



Executive
11th December 2006

**Report from the Director of
Environment and Culture**

For Action

Wards Affected:
ALL

Statement of Gambling Licensing Policy and Principles

Forward Plan Ref: E&C-06/07-021

1.0 Summary

- 1.1 This report introduces the Council's statement of Gambling Licensing Policy and Principles for consideration and details matters such as consultation and time scales for publishing the final agreed policy.
- 1.2 Full Council will need to approve the final policy after consideration by this Committee. It is anticipated that the Policy will be put to the Full Council on 22nd January 2007.

2.0 Recommendations

- 2.1 It is recommended that the Executive:
- (a) approve the Council's Statement of Gambling Licensing Policy and Principles in the form attached but subject to any amendments to the Policy recommended by the Director of Environment and Culture as a result of the consultation process;
 - (b) submit the statement (as amended – if applicable) to Full Council for final approval.

3.0 Detail

- 3.1 The Gambling Act 2005 (The Act), which received Royal Assent on 7th April 2005, gives effect to the Government's proposals for the reform of the law on gambling. The Act creates a new system of licensing and regulation for commercial gambling in this country.
- 3.2 Amongst other changes, it gives to local authorities new and extended responsibilities for licensing premises for gambling. In some cases (such as gaming machine arcades), those build on existing responsibilities. But in other major areas, including betting, casino gaming and bingo, they transfer to local authorities responsibilities which previously lay with local licensing justices.
- 3.3 The Act created the new Gambling Commission to enforce stronger gambling regulations in the public interest and to advise local and central government on issues related to gambling. They have also issued Guidance to local authorities on the manner in which they are to exercise their functions under the Act and the principles to be applied; local authorities are required to take account of all such guidance and we have done so in producing Brent Council's statement.
- 3.4 The new Act comes fully into force in September 2007, with a first appointed day expected to be 30th April 2007, for local licensing authorities to accept advance applications for premises licences. This date was originally set for 31st January, however under pressure from local authorities and LACORS (Local Authorities Coordinators of Regulatory Services) the DCMS moved the first appointed day back to allow for adequate preparation and training. In addition to this a significant number of key regulations still have to be laid in Parliament that relate to the operation of the new scheme.
- 3.5 Under section 349 of the Act and by virtue of supporting regulations which set out requirements as to the form and publication process, each licensing authority is required to develop, consult on and publish a statement of its licensing policy. The statement must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act. It has been pointed out by the DCMS (Department for Culture, Media and Sport) that these statements are meant to be high level statements of the principles to be applied by authorities when carrying out their functions, and not for them to enter into detail of specific licence conditions.
- 3.6 The Brent statement of policy (attached as appendix B) has been developed, prepared and consulted upon with due regard to the requirements of the regulations, and guidance from both LACORS and the Gambling Commission.
- 3.7 The statement of policy and principles was issued for consultation on 1st September 2006 to run for 8 weeks until 25th October. And was accompanied by a letter suggesting particular issues for consideration (attached as Appendix A).

3.8 Consultation on the statement was very wide including the statutory consultees, those required by legislation, and significant other individuals, associations and authorities (see appendix F of statement of policy for list).

3.9 The consultation process resulted in the receipt of only 3 responses from: The Metropolitan Police; British Beer and Pub Association and The Association of British Bookmakers. The responses were complimentary on the statement and rather than make objections to the content offered suggestions in respect of different or additional wording in respect of issues pertinent to the responders area of involvement. Officers have considered the responses and detail the salient points below indicating where we have made relevant amendments to the statement of policy:-

Metropolitan Police:

- Suggestion that wider consultation take place with public on applications (as in planning) over and above statutory requirement of public and press notices. Not unlawful to extend consultation but legal **do not consider it appropriate to put into policy** as it may create 'legitimate expectation' that it will be undertaken in all cases.
- We will include wording that makes it clear that gambling (e.g. poker) is not allowed in premises where consumption of alcohol is the main or primary function, or that gambling premises are located next to or adjoining alcohol licensed premises where there is direct access between.
- We will include additional requirement where door supervisors are used that are not licensed with the SIA (Security Industry Authority), that they will need to produce annually a relevant and recent police criminality disclosure notice.
- We will make reference to specific measures including the use of CCTV and "Under 21" policies etc., when considered appropriate by the licensing authority in respect of applications for particular premises with regard to securing the licensing objectives.

British Beer & Pub Association:

- Request that when an operator of a bar with gaming machines is doing so in compliance with the Gambling Commission Code (i.e. location in bar area under supervision) they can expect to obtain additional machine permits. Not to be included do not want to create any such presumption at this stage.

Trethowans for The Association of British Bookmakers:

- In respect of whether or not door supervisors may be required at premises, we will include reference to "the level of supervision from the counter being sufficient or not" to be taken into account, particularly at betting shops.
- We will include their suggestion in respect of enforcement that those bookmakers who have a number of premises in the licensing area,

each provide the authority with a single named point of contact (a senior officer) whom the authority can contact first should compliance issues arise.

Other Amendments:

- A minor amendment to paragraph 2.4.1 of statement regarding not having a 'No casino resolution'. The position is made clear that if the licensing authority wants to make such a resolution in future it can do so through Full Council.
- A number of minor amendments suggested by LACORS (Local Authorities Coordinators of Regulatory Services) after their discussions with the Gambling Commission.

3.10 In accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (First Appointed Day) Order 2006, the Council is required to publish their approved statement of policy by 31st January 2007.

4.0 Financial Implications

4.1 The Government have advised that council costs of producing and consulting on the statement of policy and principles are to be borne through the existing revenue support grant and that future premises licence fees (yet to be agreed) under the Gambling Act will be set to recoup costs of the service provided.

4.2 The costs of undertaking this policy statement process are contained within existing service budget.

5.0 Legal Implications

5.1 As explained in the body of the report the Council is required to adopt and publish its statement of licensing policy (under section 349 of the Act) by 31st January 2007. The Executive can approve the statement of the policy and propose any amendments it feels are appropriate but the final version must be adopted by Full Council.

5.2 The Council is required to review its policy "from time to time" (under section 349 (2)) and to revise it if it thinks that this is necessary as a result of the review.

6.0 Diversity Implications

6.1 Section 4.3 (Paragraphs 4.3.1 to 4.3.4) of the statement of policy and principles deal with diversity matters.

6.2 An Equality Impact Assessment will be carried out after the policy process is complete in the early New Year at which time it is hoped that much of the secondary legislation will be in place e.g. Premises Licence Inspection Regulations.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 There are none specific to this report.

Background Papers

The Gambling Act 2005

Statutory Instrument 2006 No. 636 – Licensing Authority Policy Statement

Statutory Instrument 2006 No.637 – First Appointed Day Order

Gambling Commission – Guidance to Licensing Authorities

LACORS - Statement of Principles Template and notes

DCMS – Advisory letters

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