

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee

DATE: 29th September 2009

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WARD(S): All.

PART I **FOR DECISION**

GAMBLING ACT 2005, STATEMENT OF PRINCIPLES (2009)

1. **Purpose of Report**

To advise Members of the outcome of the statutory public consultation on the Gambling Act 2005 Statement of Principles (revised 2009).

2. **Recommendation to Council**

The Committee is requested to recommend to the Council that the Gambling Act 2005 Statement of Principles (as amended - 2009) is adopted as the Council's Gambling Policy.

3. **Community Strategy Priorities**

Being Safe, Feeling Safe.

The Statement of Principles safeguards children, vulnerable people and their families from being adversely affected by gambling.

4. **Other Implications**

(a) **Financial**

There are no financial implications of proposed action.

(b) **Human Rights Act and other Legal Implications**

There are no direct Human Rights Act or other legal implications

(c) Risk Management

| <i>Recommendation</i> | <i>Risk/Threat/Opportunity</i> | <i>Mitigation(s)</i> |
|--|--|--|
| That the Council is recommended to approve and publish the revised Statement of Principles | The Council (Licensing Authority) must prepare and publish a statement of the principles that they propose to apply in exercising its functions under the Act. This is a statutory requirement under the Act and in line with the Gambling Commissions Guidance. | Statutory requirement for the policy to be reviewed every three years following a full consultation with statutory consultees and members of the public. |

(d) Equalities Impact Assessment

An equalities impact assessment has been completed and the conclusions are that there are no adverse or negative impacts of opportunity for any equality target group or for any other reason.

5. Supporting Information

5.1 The Gambling Act 2005 placed the responsibility for the regulation of gambling on the Gambling Commission, and local authorities. In brief, the function of the Gambling Commission is to regulate the operators of gambling premises and to issue codes of practice and guidance. The functions of the Council are to: license premises for gambling activities; consider notices for temporary use of premises for gambling; grant permits for gaming and gaming machines in clubs and miners welfare institutes; regulate gaming and gaming machines in alcohol licensed premises; grant permits to family entertainment centres for the use of certain lower stake gaming machines; grant permits for prize gaming; consider occasional use notices for betting at tracks; and register small societies lotteries.

The Council is required under the Gambling Act to put in place a policy, which is called a Statement of Principles, which they propose to apply when exercising their functions under the Act. The original policy which was placed before the Licensing Committee on the 8th November 2006 and approved by Full Council on 12th December 2006 is required to be reviewed at least every three years. The amended 2009 draft Statement of Principles is appended as **Appendix "A"**. This amended Statement of Principles has been based on and in accordance with the Gambling Commissions "Guidance to Licensing Authorities 3rd Edition dated May 2009.

This Statement is first and foremost subject to the three licensing objectives under the Gambling Act 2005, which are:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

5.2 The Gambling Act requires that there is a consultation on the draft Statement of Principles and a consultation was carried out between 17th April 2009 and 15th August 2009. The consultation has included press releases, an interview on Time FM, placing the draft Statement with information about the consultation on the Council's website and writing to the persons or organisations listed in **Appendix "C" of the new draft policy.**

5.3 There has been very little feedback from the consultation. The reasons for this are thought to be that:

- The draft Statement is very comprehensive and in line with the legislation and Gambling Commission guidance and consultees are generally in agreement with it
- The feature of the Gambling Act which is causing public concern relates to casinos. Provisions for regulation of casinos are not included in the draft Statement of Principles as the Council has decided, following an earlier consultation, that casinos will not be allowed in the Borough.

6. **Conclusion**

Members, having considered the draft Statement, are requested to recommend the draft amended Statement of Principles to the Council for adoption.

7.. **Appendices Attached**

'A' The draft 'Statement of Principles'

8. **Background Papers**

'1' The Gambling Commission Guidance

"2" The current Gambling Act 2005 Statement of Principles

'3' Equality Impact Assessment Screening