

COMMITTEE	LICENSING AND SAFETY COMMITTEE
DATE	TUESDAY 23 MAY 2006
TITLE OF REPORT	GAMBLING ACT 2005-APPROVAL OF DRAFT STATEMENT OF GAMBLING POLICY FOR CONSULTATION PURPOSES
RESPONSIBLE OFFICER	Assistant Director (Legal and Contract & Property Services) Chris Webb, Licensing Manager

1. INTRODUCTION

1.1 The purpose of this report is to ask the Licensing and Safety Committee to consider and agree the Council's Draft Statement of Gambling Policy for consultation purposes.

2. DECISION ISSUES

2.1 The committee has delegated powers to determine this matter.

3. RECOMMENDATION

3.1 That the committee consider the report and Draft Statement of Gambling Policy and approve the document for consultation purposes.

4. BACKGROUND

4.1 Medway Council is the Licensing Authority under the Gambling Act 2005.

4.2 The Gambling Act 2005 creates a new system of licensing and regulation for commercial gambling in this country. 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.

4.3 The new Act comes fully into force in September 2007 although the "first appointed day" (when the Council can start to receive applications) is 31 January 2007. In preparation, 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.

4.4 In terms of consultation on the policy the Act requires the council to consult with:-

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

It is also intended that consultees will include for example the following where appropriate:-

- A range of organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, medical practices or primary care trusts, advocacy organisations (such as the Citizens Advice bureau and trade unions), schools, old people homes etc.
- Other tiers of local government (where they exist)
- Businesses who are, or will be, holders of a premises licence
- The organisations named as responsible authorities in the Act;
- A variety of consultation methods including meetings with gambling businesses in the local authority area and open forums for the public.

4.5 The consultation draft requires Member's approval by the end of May. Following approval, officers will commence the consultation exercise during June, allowing approximately 12 weeks for responses. The replies will then be reported back to the committee with a redrafted policy statement for approval and recommendation to Cabinet (November 2006) and full Council (early December 2006), with a view to the approved policy being published by 31 December 2006.

4.6 The committee is therefore requested to consider and agree the council's draft statement of gambling policy for consultation purposes as attached at Appendix A to this report.

5. LICENSING MANAGER'S COMMENTS

5.1 Under the provisions of the Gambling Act 2005, the Council is responsible for the following functions:-

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to commercial clubs

- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003 where more than two machines are required
- Register small society Lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the permits and licences that are issued under these functions

5.2 The Gambling Commission functions are:-

- Issue, renewal & review of Operating Licences
- Issue Personal Licences
- Licence remote gambling through Operating Licences
- Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines
- Issue Codes of Practice
- Issue Guidance to Licensing Authorities
- Gambling Appeals Tribunal deals with appeals against Commission decisions

5.3 The draft policy has been prepared taking account of the guidance issued by the Gambling Commission in April 2006.

6. **LEGAL IMPLICATIONS**

6.1 The legal implications are dealt with within the body of the report. It should be noted that an inappropriately worded policy could result in a legal challenge by way of judicial review.

7. **FINANCIAL IMPLICATIONS**

7.1 There are no direct financial implications for Medway Council concerning this matter at present. However, if at any time in the future the policy was subject to legal challenge, there could be costs associated with this process.

8. **CONCLUSION**

8.1 Members are requested to consider the report and approve the draft Statement of Gambling Policy for consultation purposes.

9. BACKGROUND PAPERS

Gambling Act 2005
Gambling Commission Guidance April 2006

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