



**GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES
REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY
DIRECTION)**

WARDS AFFECTED: 'ALL WARDS'

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the comments of the Licensing Committee on the statutory revision of the Council's Statement of Principles, as required to be produced every 3 years by the Gambling Act 2005.

2. RECOMMENDATION

- 2.1 That the Committee note the contents of the report and approve the attached draft Statement of Principles (Appendix A) for the purpose of consultation.

3. BACKGROUND TO THE REPORT

- 3.1 The responsibility for regulatory activity has been split between local authorities and the national regulator called the Gambling Commission. The Commission issues the appropriate licences to gambling operators and individuals and issues guidance to local authorities as to how they should exercise their powers under the legislation. The Commission has powers to impose direct conditions on operators, develop codes of practice and investigate claims of illegal gambling or any breaches of the requirement of the legislation. Where it considers such action appropriate it will be able to suspend or revoke licences and issue unlimited financial penalties. Certain activities i.e. the National Lottery and spread betting remain separate from this regime and the responsibility of the Gambling Commission and Financial Services Authority respectively.

Local Authorities – designated as licensing authorities – are responsible for issuing premises licenses to:

- Casinos
- Betting Offices and Race Tracks
- Bingo Clubs
- Adult gaming facilities (for over 18s only)
- Family gaming facilities (where children are allowed)

The local authority also issue permits for gaming machines and for prize draws.

- 3.2 Under the provisions of the Gambling Act 2005 Hinckley & Bosworth Borough Council is the licensing authority for the administration and enforcement in specified circumstances of 'gambling', defined as Betting, Gaming and Participating in a Lottery.

- 3.3 Section 349 of the Gambling Act 2005 requires that Hinckley & Bosworth Borough Council as licensing authority prepare and publish a statement of principles every three years. The Borough Council's Statement of Principles is due for renewal in 2016.
- 3.4 It is a further requirement of the Act that the revised Policy must be approved at a full meeting of the Council. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies defined by the Act. Additionally the authority is empowered to consult with other organisations as is deemed appropriate.
- 3.5 The statement of principles is required to clearly place the promotion of the licensing objectives of the Act as central to its purpose. These are:
- Preventing gambling from being used as a source of crime or, being associated with crime and disorder or used to support crime;
 - Ensuring gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.6 The statement must be produced in consultation with persons and bodies stipulated by the Act. These are:
- Chief Officer of Police for the authority's area;
 - Persons who appear to the authority to represent the interests of gambling businesses in the area;
 - Persons who appear likely to represent or have interests likely to be affected by the exercise of the authority's functions under the Act.
- 3.7 In determining its policy the authority must have regard to the guidance issued to accompany the Act, and give appropriate weight to representations made with regard to:
- Interest and expertise of person making the representation;
 - The motivation of those making representations;
 - How many people have expressed similar views;
 - How far representations relate to matters that should be included in the policy.
- 3.8 The Gambling Act reorganised the way in which commercial gambling was licensed and regulated, and introduced a range of new controls over activities that were unregulated e.g. internet gambling, gambling via mobile phone.
- 3.9 The Gambling Act 2005 also made it illegal to keep gaming machines for public use in certain venues e.g. taxis offices, fast food take-aways. These types of premises are able to provide a game of skill machine, but these do not require a licence from the local authority or the Gambling Commission.

- 3.10 In undertaking its responsibilities the local authority is required to have reference to guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act. The local authority is required to publish a statement of principles and renew it every three years and that is used to guide its actions under the legislation.
- 3.11 The statement of principles has served the Council well over the last three years and there are only two notable changes to the policy. The two main changes are Local Risk Assessments and Local Area Profiles (to map out any local areas of concern) which have been included as part of the revised changes in the latest version of the Gambling Commissions Guidance to Local Authorities.

4. FINANCIAL IMPLICATIONS [AG]

- 4.1 None.

5. LEGAL IMPLICATIONS [MR]

- 5.1 The legal requirements relating to the Statement of Principles, the consultations to be carried out before any changes are made, and the procedure for agreeing to any amendment are set out adequately in the body of the report.

6. CORPORATE PLAN IMPLICATIONS [RP]

- 6.1 The Statement of Principles will contribute to the Councils Corporate Plan objectives of supporting individuals and creating a vibrant place to work and live.

7. CONSULTATION

- 7.1 A four week period of consultation will take place with both internal departments of the Council and external organisations. A list of the organisations that the authority is to consult with are as follows:
- The Chief Constable, Leicestershire Constabulary;
 - Leicestershire Safeguarding Children Board;
 - Leicestershire County Council Social Services;
 - Leicestershire Fire & Rescue Service;
 - Gambling Trade associations as appropriate;
 - Association of British Bookmakers;
 - Hinckley & Bosworth Borough Council elected Members;
 - All Parish and Town Councils;
 - Neighbouring local authorities;
 - A selection of holders of existing licences, permits and registrations that will be affected by the provisions of the Act.
 - GamCare & Gamblers Anonymous
 - Responsibility in Gambling Trust

Comments received from those bodies consulted will be incorporated into the revised Policy.

8. RISK IMPLICATIONS

- 8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Reputation from negative press coverage from enforcement	Ensure enforcement carried out competently and proportionately and in accordance with Enforcement Policies	Mark Brymer
Knowledge and skills of staff	Ensure adequate training given to enforcement staff	Mark Brymer
Legal compliance	Ensure actions in compliance with Central Government Policy	Mark Brymer

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 9.1 There are only two minor changes to the policy which will not have any effect on the existing equality impact assessment and will not impact rural areas of the borough.

10. CORPORATE IMPLICATIONS

- 10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: Gambling Act 2005
Gambling Commission - Guidance to Licensing Authorities 5th Edition
Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales)
Regulations 2006 (S.I 636 of 2006)

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