

Licensing Acts Committee Report



Listening Learning Leading

Report of Head of Legal & Democratic Services

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AGENDA ITEM NO 4

Gambling Act 2005 - revised Statement of Policy

Recommendations

That the committee:

1. considers the responses to the consultation and decides whether to make any changes to the revised Statement of Policy
2. authorises the Head of Legal and Democratic Services to update the statement of policy for submission to Council, reflecting the committee's decisions
3. recommends Council, a) to adopt the Gambling Act 2005 Policy Statement of Policy as submitted to Council with effect from 31 January 2010 and, b) to authorise the Head of Legal and Democratic Services to make any minor changes necessary.

Purpose of Report

1. To inform the committee of any feedback received during the consultation period on the draft Statement of Policy, to ask it to consider any changes that may be necessary and to ask the committee to recommend adoption of the revised Statement of Policy to council.

Background

2. The Gambling Act received Royal Assent on 7 April 2005. The Act replaced most of the existing law relating to gambling in England and Wales and put in place a new structure of gambling regulation. It created a new independent regulatory body, the Gambling Commission, and gave local authorities responsibility for licensing gambling premises in their area.
 - Under the Gambling Act 2005 every licensing authority has to publish a Gambling Policy (Statement of Policy) which sets out the principles that it proposes to apply in exercising its functions under the act and this must be reviewed every three years.
 - A 12-week consultation period took place between 1 September 2009 and 25 November 2009. The revised draft Statement of Policy and information about the consultation period was published on the Council's website. All Responsible Authorities identified under the Gambling Act, councillors, parish councils, voluntary and community organisations working with children and young people, advocacy organisations e.g. Citizen's Advice Bureau and businesses that are holders of a premises licence were also consulted.
 - South Oxfordshire District Council has no significant gambling premises within the district, but has one small bingo hall in Didcot, six bookmakers located within the district and two family entertainment centres in Thame Service stations. The licensing authority is also responsible for issuing permits and notifications of fruit machines in licensed premises. The authority has received no complaints from members of the public or relevant authorities regarding these premises. In the last three years no major changes have occurred in the Gambling Act 2005 and as such this is reflected in the revised policy. No response was received in regard to the revised Statement of Policy consultation.
 - A Schedule of Proposed Amendments is attached as **Appendix 1**, setting out the main proposed amendments and giving an explanation and reasons for them. The revised policy is attached as **Appendix 2**.
3. It is proposed that the new Statement of Policy shall be published on 11 December 2009 and come into effect on 31 January 2010.

Options

4. As no comments have been received, the committee is asked to approve the proposed amendments that are outlined in **Appendix 1**.
 - Subject to legal requirements, the committee may choose to make recommendations on specific sections of the Statement of Policy, as it sees fit.

Financial Implications

5. This report does not result directly in any additional financial implications. The cost of providing the licensing service is met from income from licence fees and

charges which are reviewed annually to ensure the service continues to be provided at no cost to the authority.

Legal Implications

6. Section 349 of the Gambling Act 2005 requires a licensing authority to prepare before each successive period of three years commencing on the 31 January 2007, a statement of principles that they propose to apply in exercising their functions under the Act during that period. The Act requires full Council to approve the statement of policy.

Human Resource Implications

7. None

Conclusion

8. The committee is requested to consider the revised Statement of Policy and officers' comments and recommendations and to recommend council to adopt the revised Statement of Policy with effect from 31 January 2010.

Changes in the Gambling Policy

Page / Section	Change	Reason
Page 9 / 1.8.2	A change of wording from Enforcement Concordat to Regulatory Compliance Code.	Change of name
Page 9 / 1.9.1 1.9.2	A section has been added to cover appeals	The previous SODC policy did not cover the appeal process; this provides further assistance and clarification.
Page 12 / 2.4.1	The old policy stated (three machine of categories B4, C or D). Now states (four machine of categories B4A , B4, C or D.	Changes in the Act now permit clubs to have a category B3A machine.
Page 15 / 3.3.1	further line has been introduced It should be noted that the authority will refuse Licences when it is felt that the premises are “artificially sub divided.	The line has been introduced in light of case law Agora Leisureworld (uk) v Islington council and clarifies the authority’s position in regard to artificially sub dividing premises.
Page 22 / 3.11.2	Increase in number of category B gaming machines permitted in a bingo hall	The Act now permits eight category B machines in bingo halls instead of previously four.

Appendix 2

Gambling Act 2005 - Revised Statement of Policy