

Subject: Draft Statement of Gambling Policy Consultation Update **Status:** For Publication

Report to: Licensing Committee **Date:** 17th October 2006

Section Head: Head of Legal & Democratic Services **Report Author:** Susan Chadwick, Licensing Manager

Portfolio Holder: Leader of the Council

Key Decision: NO

1. PURPOSE OF REPORT

- 1.1 To advise members of the observations received in respect of the consultation conducted on the draft Statement of Gambling Policy.
- 1.2 To request that members note the report.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee note the contents of the report.

3. BACKGROUND

- 3.1 Members are already aware that the Gambling Act 2005 comes into force in 2007. Section 349 of the Act requires that the Licensing Authority develop the Statement of Gambling Policy/Statement of Principles.
- 3.2 Members have received a copy of the draft Statement of Gambling Policy and have made observations as necessary.
- 3.3 The draft version of the Statement of Gambling Policy went out to consultation on 17th July 2006. This consultation ended on 18th September 2006. Copies of the document were sent to all interested parties, including the Gambling Commission, as required by the Act. Copies were also placed in the One Stop Shop and further copies were made available at the Rawtenstall Library. The draft policy was published on our website with an electronic response form for observations received.
- 3.4 A total of 16 responses were received from the consultation. Of these, 7 had no observations.

- 3.5 To advise members of the observations received, a document detailing a brief description of the observation made and the consideration given is appended at Appendix J.
- 3.6 A full copy of the responses is available for inspection at the One Stop Shop.
- 3.7 Members are therefore invited to note the contents of this report and/or make further comment as necessary with regard to the considerations afforded of the observations.

4. CORPORATE PRIORITIES

- 4.1 The matters discussed in this report are linked to and support the following corporate priorities:

Customer Services, Community Safety, Culture and Economy. Quality services for local people and confident communities.

5. RISK ASSESSMENT IMPLICATIONS

- 5.1 The Authority must act in a transparent and open manner.

6. CONSULTATION CARRIED OUT

- 6.1 None.

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Background Papers	
Document	Place of Inspection
Draft Statement of Gambling Policy	One Stop Shop, Rawtenstall
Consultation Summary Document	Appendix J
Consultation Responses	One Stop Shop, Rawtenstall

Draft Statement of Gambling Policy Consultation 17th July 2006 – 18th September 2006

Paragraph	Observations	Appendix	Consideration
4.4 and 6.2	Availability of cash machines, access to credit.	A	Section 177 of the GA2005 specifically allows cash machines to be installed in Casino and Bingo premises within the criteria defined under Section 177. Gamcare is a professional organisation dealing with gambling addiction and any relevant views or opinions can be obtained from them direct.
1.16	Door supervisors and exemption from requiring them to be SIA registered.	B	Refer to p.112 30.4 and 30.5. Door supervisors at casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. This is laid down in the GA2005.
General	Welcome the approach taken by Local Authorities in basing the draft policy on the LACORS template.	C	The vast majority of authorities have taken this approach and it appears to have worked well.
Various	Enterprise Inns have been pressing for legislation prohibiting under 18s from playing all cash machines. This restriction in the GA2005 is welcomed.	C	We would agree with this. It is indeed a welcome restriction.
Various	When operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice, there is no reason why these should not be granted. Statement of Policy could reflect this.	C	Once the codes of practice have been issued, the committee will be requested to determine whether it is suitable to delegate authority to the officers for the grant of up to 3 machines.
Various	Would welcome an outline in the policy of the application procedures for permits for more than two machines. Would support an approach taken by some councils that up to four will be granted without the need for a hearing.	C	An outline of the considerations which the licensing authority will take into account are already contained within the policy. Specific and detailed application procedures will be available separately.
Various	Concern over the lack of generic application forms. Would welcome the council adopting and using the standard form to be produced by LACORS.	C	It is intended to use generic forms as produced by LACORS wherever possible.

Various	Reference to transitional arrangements for existing machine permits to be included in the policy or in the form of separate guidance.	C	This will be actioned and made available in the form of a separate document.
4.5	Fast track proposals.	D	The transitional arrangements will allow fast track proposals and it is noted that these are welcomed.
	Early advice as to cost implications.	D	Advice will continue to be dispensed as when information from Government and the Gambling Commission is available.
	Discount expected on cost of new licence. Preferential treatment to be provided.	E	The Licensing Act 2003 did not provide any discretion when it comes to fees and it is likely that the GA2005 will follow suit. Any discounts and fees cannot be determined until they are issued by the Secretary of State.
Various	Lack of evidence (refer to paragraph 3) of crime and disorder and it is therefore hopeful that a light touch approach will be taken to the imposition of conditions and regulatory burdens on the industry, save so far as this is necessary and proportionate in individual cases.	F	Crime & disorder statistics from the Police will be investigated, however, all conditions which are at the discretion of the licensing authority will be necessary and proportionate as judged on the individual merits of each case and in line with legislation and any other guidance issued.
Various	Door supervisors – para 9.26 of the Gambling Commission’s guidance refers – suggest new wording for policy: “...there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.”	F	Supervision from the counter is indeed a different kind of supervision and is not necessarily effective in the same manner as door supervisors. It remains, that where the licensing authority deems it necessary to impose a condition requiring door supervisors, the authority will impose the required condition as based on the individual merits of each case. It is therefore not recommended that the policy be changed to reflect the wording as suggested.
Betting machines	Machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter. They should not be	F	Section 188 of the GA2005 contains an express power to restrict the number of betting machines. When considering whether to restrict the number of machines,

	<p>confused with fixed odds betting terminals or amusement with prize machines. Suggested wording:</p> <p>“While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.”</p>		<p>the authority will take into account other factors as detailed in the policy and it therefore appears sensible and in the interest of public safety to retain the current wording and not restrict the authority to make initial consideration based upon only evidence where the licensing objectives have or will be undermined.</p>
Re-site applications	<p>Hoped that licensing authorities will wish to endorse and support this natural progress and improvement in the industry. Requested that the policy positively encourage, or at least state that the authority will give sympathetic consideration to, re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public.</p>	F	<p>It appears appropriate that sympathetic consideration is given and that the policy is amended accordingly.</p>
Enforcement	<p>Suggested wording for policy:</p> <p>“The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a singled named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.</p>	F	<p>This suggestion makes fair sense and it seems appropriate that this principle be adopted. However, the licence holder must also at all times be informed and advised of any compliance issues and as such, it is deemed necessary that both licence holder and nominated contact are advised of arising issues. It is however recognised that the nominated contact will be expected to resolve any issues.</p>
Credt	<p>Section 177 which is referred to in para 6.2 is limited</p>	F	<p>Section 177 does indeed refer to casino and bingo</p>

	in its application to casino and bingo premises. This is also made clear in para's 9.10 to 9.12 of the Commission's guidance. Request that the para (at least first two sentences) be removed from the policy.		premises only and the policy will be amended to omit the first two sentences.
1.10	A difficult area of the act iro vulnerable persons. Vigilance required.	G	We would agree with this and would state that all enforcement and implementation of the act will, as required, be focused on the objectives laid out by the legislation.
7	Effective enforcement.	G	All enforcement should be effective and we remain committed to ensuring that enforcement is effective, serves a purpose, protects the public and other persons and achieves the desired results.
8	Travelling fairs – careful monitoring.	G	This section of gambling will be monitored in line with legislation and other any guidance issued.
General	The siting of some premises may arouse public anger and protest as it did initially with extended licensing hours.	G	Gambling is a highly emotive subject and public anger is expected initially. Concerns will be dealt with as sympathetically as possible, as they were with concerns over the Licensing Act 2003.
Various	The BBPA have been pressing for legislation prohibiting under 18s from playing all cash machines. This restriction in the GA2005 is welcomed.	H	We would agree with this. It is indeed a welcome restriction.
Various	When operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice, there is no reason why these should not be granted. Statement of Policy could reflect this.	H	Once the codes of practice have been issued, the committee will be requested to determine whether it is suitable to delegate authority to the officers for the grant of up to 3 machines.
Various	Would welcome an outline in the policy of the application procedures for permits for more than two machines. Would support an approach taken by some councils that up to four will be granted without the need for a hearing.	H	An outline of the considerations which the licensing authority will take into account are already contained within the policy. Specific and detailed application procedures will be available separately.

Various	Concern over the lack of generic application forms. Would welcome the council adopting and using the standard form to be produced by LACORS.	H	It is intended to use generic forms as produced by LACORS wherever possible.
Various	Reference to transitional arrangements for existing machine permits to be included in the policy or in the form of separate guidance.	H	This will be actioned and made available in the form of a separate document.
1.16	Door supervisors – can it be standard condition.	I	Paragraph 9.26 of the Gambling Commission's Guidance to Licensing Authorities states: ...licensing authorities should ensure that the premises licence conditions: * are relevant to the need to make the proposed building suitable as a gambling facility; * are directly related to the premises and the type of licence applied for; * are fairly and reasonably related to the scale and type of premises; and * are reasonable in all other aspects. It is therefore unreasonable to expect that this will be a suitable condition for all premises. As such, each application will be judged on it's own merits and will have conditions imposed as are necessary.
2.1	Could the conditions apply to all premises.	I	Refer to the above.
1.5	Should the statement of principles be done within the policy. It currently is not contained within it.	I	It is deemed necessary that the statement of principles will apply within a separate document and made available to all applicants.