
GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

**Responsible Cabinet Member – Councillor Chris McEwan,
Economy and Regeneration Portfolio**

Responsible Director – Richard Alty, Director of Place

SUMMARY REPORT

Purpose of the Report

1. To present to Members, for their approval, the final draft of the Council's revised Gambling Policy document, which is due to be published, in accordance with statutory requirements, in January 2013.

Summary

2. This report provides information for Members in relation to the three yearly statutory revision of the Council's Gambling Policy produced in accordance with the Gambling Act 2005. The policy has been subject to extensive consultation and has remained unchanged since it was last approved on 26 November 2009 with the exception of one paragraph of advice on applications for variations.

Recommendation

3. It is recommended that the revised policy as detailed in **Appendix 1** to the attached report be approved.

Reasons

4. To comply with the statutory requirement placed on the Council to produce and publish a policy in respect of its functions under the Gambling Act 2005.

**Richard Alty
Director of Place**

Background Papers

- (i) The Gambling Act 2005
- (ii) The Gambling Commission Guidance to Local Authorities 3rd edition, May 2009
- (iii) The Council's earlier Statement of Principles 2010

S17 Crime and Disorder	The Council, in partnership with the Police, has a role to play in the prevention of the premise it licences being a source of crime and in respect of disorder caused as a result of gambling
Health and Wellbeing	The Council's main responsibility under the 2005 Act is to protect children and other vulnerable persons from physical and psychological harm that may be caused by gambling
Carbon Impact	There are no issues which this report needs to address
Diversity	There are no issues which this report needs to address
Wards Affected	The proposals affect all wards
Groups Affected	The proposals affect all communities
Budget and Policy Framework	This report does not represent a change to Council policy
Key Decision	The proposals do not represent a key decision
Urgent Decision	This report does not represent an urgent decision
One Darlington: Perfectly Placed	There are no issues which this report needs to address
Efficiency	There are no issues which this report needs to address

MAIN REPORT

Background

5. The Gambling Act 2005 gives responsibility to the Gambling Commission (formerly the Gaming Board) for the issue of Operating Licences in respect of businesses offering gambling and also for the issue of Personal Licences for those employed in the business of gambling eg croupiers, betting shop and bingo hall managers etc. Local Authorities are now responsible for the licensing of premises used for gambling eg betting shops and bingo halls etc and the issue of permits for gaming and small society lotteries.
6. The 2005 Act requires all Local Authorities to prepare, consult on and publish a Gambling Policy. This Policy is a "living document" which must be reviewed at least every three years (notice of intention to publish the document must also be placed in a local newspaper at least two weeks prior to publication). To avoid confusion with Local Authority Licensing Policies required under the Licensing Act 2003, the Gambling Policy is referred to as the "Statement of Principles". This document sets out the matters the Council will be considering when dealing with applications for Premises Licences and various permits. The Policy comprises sections of the legislation, parts of the Gambling Commission guidance and some

general information on how the Council will deal with applications and enforce the legislation. The first policy was approved by Members at their meeting of Council on 23 November 2006 and was duly published on 3 January 2007 to take effect on 31 January 2007. It was revised by Council in November 2009 for publication on 31 January 2010. The Policy is therefore due to be revised and re-published on 31 January 2013.

Information and Analysis

7. The Gambling Act 2005 has three licensing objectives as follows:
 - (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - (b) Ensuring gambling is conducted in a fair and open way.
 - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
8. The Gambling Commission plays a leading role in relation to the first objective and determines the suitability of businesses and persons involved in the gambling industry by virtue of the Operating and Personal licences. The Local Authority is not able, therefore, to grant a Premises Licence until an Operating Licence has been granted by the Gambling Commission. The Gambling Commission also addresses the second objective and the only role for the Local Authority in relation to this objective will be when dealing with the track-betting environment. The final objective impacts on Local Authorities and consideration may be given to, amongst other things locality, supervision of premises, separation of adult gaming areas and promotion of gambling support organisations.
9. Most functions of the Gambling Act 2005 have been delegated to the Committee established by the Council to deal with the Licensing Act 2003 in accordance with national guidance. The approval of the Council's policy in respect of the Gambling Act 2005 is however one of the few licensing functions that, by statute, must be dealt with by Council.
10. The Council currently licences 25 premises for the provision of gambling (ie Betting Shops, Bingo Halls and Amusement Arcades) and issues a variety of gaming permits and 48 small society lottery permits. Unlike parts of the Licensing Act 2003, the Gambling Act 2005 does not provide Local Authorities with wide discretion. The 2005 Act requires Local Authorities to follow the Guidance and Codes of Practice issued by the Gambling Commission and also the Council's own policy statement.

Changes to the Policy

11. The policy has remained unchanged except for the provision of additional information in respect of variations of licences (page 24 of the Statement of Principles).

Consultation

12. A widespread consultation exercise has been undertaken over a 12 week period, which included the Responsible Authorities, the gaming industry, the leisure industry and organisations dealing with problems arising from gambling. The draft policy has also been made available on the Council's website. The period for consultation ended on 04 October 2012. No responses were received in respect of the revised document.