

REPORT TO:	LICENSING COMMITTEE 18 NOVEMBER 2015
AGENDA ITEM:	9
SUBJECT:	THE GAMBLING ACT 2005 – REVIEW OF LONDON BOROUGH OF CROYDON STATEMENT OF PRINCIPLES
LEAD OFFICER:	EXECUTIVE DIRECTOR OF PLACE
CABINET MEMBER:	COUNCILLOR MARK WATSON CABINET MEMBER FOR COMMUNITIES, SAFETY & JUSTICE
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
<p>FINANCIAL SUMMARY:</p> <p>The Gambling Act became fully operational on 1st September 2007. The Council has been processing applications with regard to this legislation since 21 May 2007, which was the start of the conversion period under the Act.</p> <p>There are no financial implications associated with this report, save for those set out in the body of the report with regard to decision making by the licensing committee and full Council.</p> <p>The costs of administering the functions associated with this report will be met from existing resources.</p>	
FORWARD PLAN KEY DECISION REFERENCE NO.:	

For general release

<p>1. RECOMMENDATIONS</p> <p>The Committee is asked to:</p> <p>1.1 Consider the comments received as part of the formal consultation on the draft Statement of Principles and officers' responses to those comments</p> <p>1.2 Agree that the revised Statement of Principles as appears at Appendix 4 to this report be recommended for adoption to full Council at its meeting on 7 December 2015.</p>

2. EXECUTIVE SUMMARY

- 2.1 The Gambling Act 2005 (the Act) came into force on 1st September 2007 and made local authorities, as licensing authorities, responsible for the administration of licences, registrations, permits, notices and notifications under the Act.
- 2.2 Local authorities are only responsible for licensing the premises on which gambling takes place. They are not responsible for licensing operators as this function falls to the Gambling Commission. As well as issuing premises licenses, local authorities are also responsible for issuing permits in respect of:
- Gaming machines in alcohol-licensed premises, such as pubs
 - Gaming machines in members clubs
 - Gaming in members clubs
 - Unlicensed family entertainment centres (small stake and payout machines only)
 - Prize gaming
 - Occasional Use Notices
 - Temporary Use Notices
 - Provisional Statements
- 2.3 For the Committee's information, as a comparison, the following shows the current number of licensed premises, as opposed to that in 2007:
- Betting Shops – 2007 **59** – 2015 **70**
 - Bingo Premises – 2007 **1** – 2015 **3**
 - Adult Gaming Centres – 2007 **8** – 2015 **2**
 - Family Entertainment Centres – 2007 **0** – 2015 **1**
- 2.4 The Council licensing team undertake inspections and enforce the conditions on these issued licences, permits and notices. It also registers small scale society lotteries.
- 2.5 In addition to processing applications and enforcement responsibilities, the Act requires each local authority to prepare and publish a Statement of Principles (the Statement) setting out how it will exercise its functions under the Act. The first London Borough of Croydon Statement of Principles was published on 3 January 2007. In each 3 year period thereafter, the Council must keep its policy under review and revise it as it considers appropriate. In any event, before the conclusion of each 3 year period, the Act requires the Council to formally consult on its Statement of Principles, amend it accordingly and re publish it.
- 2.6 The Council's Statement of Principles was reviewed and re published in 2009 and 2012.
- 2.7 For the third statutory review, the Council must re publish its Statement by 31 December 2015 - that being the required 4 weeks before the existing Statement expires.

3. DETAIL

3.1 On 4 September 2015, as part of the formal consultation on the proposed revisions, the draft Statement of Principles was circulated to a number of individuals and bodies, including in the gambling industry, together with a covering letter which outlined the changes proposed to the current Statement. These are intended to reflect changes made by the Gambling Commission in their statutory guidance to the Act (Guidance to licensing authorities 5th Edition September 2015) & Codes of Practice and concern:

- The maximum stakes and prizes for certain gaming machines;
- The requirement on gambling operators to prepare local risk assessments from 6 April 2016.

3.2 The consultation period ended on 16 October 2015. A list of the individuals and bodies included in the consultation is attached at Appendix 1.

3.3 Four written responses were received during the consultation period. These were all from the industry and copies are attached at Appendix 2.

3.4 A schedule of the specific comments made in those responses is attached at Appendix 3 and showing where the Statement has, or has not, been changed as a result of those comments.

3.5 Attached at Appendix 4, therefore, is a copy of the draft, revised Statement of Principles that the Committee is recommended to approve for adoption by full Council. For ease of reference, where the Statement has been amended to reflect the changes to statutory guidance and the comments made, this is highlighted in ***bold and italics***.

3.6 Attached at Appendix 5 is a Glossary of Terms for the Gambling Act 2005.

4. CONSULTATION

4.1 The timetable leading up to the Statement of Principles being republished is as follows:

DATE	ACTION
16.10.15	Deadline for consultation responses.
18.11.15	Licensing Committee
07.12.15	Full Council
31.12.15	Publication (by)

5. FINANCIAL CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

There are no direct financial implications associated with this report. This matter is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.

2 The Effect of the Decision

There are no direct financial impacts of the recommendations in this report

3 Risks

There are no direct risks associated with the recommendations in this report

4 Options

There are no other options available to the Council

5 Savings/Future Efficiencies

None identified

(Approved by: Dianne Ellender, Head of Finance and Deputy S151 Officer
– Chief Executive's Department)

6. COMMENTS OF THE SOLICITOR TO THE COUNCIL

- 6.1 The Solicitor to the Council comments that s.349 of the Gambling Act requires the Council as Licensing Authority to review and then publish its Statement every three years. In determining what revisions may be made it must consider any comments made during the formal consultation period in the context of the Act, and any guidance or regulations made under it.

(Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Council Solicitor and Monitoring Officer.)

7. HUMAN RESOURCES IMPACT

- 7.1 The workload associated with the review of the Statement of Principles has been undertaken within existing resources.

8. CUSTOMER IMPACT

- 8.1 The Gambling Act impacts on existing and potential premises' licensees. Well managed licensed premises attract customers and contribute to a vibrant local economy.

9. EQUALITIES IMPACT

- 9.1 There are no perceived inequalities associated with this legislation.

10. ENVIRONMENTAL AND DESIGN IMPACT

- 10.1 There are potential environmental and design impacts associated with the development of large casinos. However, the majority of gambling premises in Croydon are small buildings like betting shops, amusement arcades and bingo halls. Many of these premises already have established use and are not considered to impact on the local environment.

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 There are not considered to be any local crime and disorder problems associated with the local authority having responsibility for the administration of licences and permits etc. under the Gambling Act 2005. The local authority is

only responsible for premises licensing. The licensing of operators is the responsibility of the Gambling Commission.

12. RISK ASSESSMENT

- 12.1 The decision making process with regard to a review of the Council's Statement of Principles may be subject to Judicial Review. A Judicial Review presents financial risks and risks to the reputation of the organisation which is subject to it. Any licensee has the right of appeal to the Magistrates' Court if they feel aggrieved over the Council's decision to grant, refuse or vary a licence. There is a risk that if the appellant wins, legal costs could be awarded against the Council.

13. HUMAN RIGHTS IMPACT

- 13.1 The Gambling Act 2005 is compliant with the Human Rights Act 1998 but it will be necessary to ensure that procedures for dealing with applications also meet the Acts requirements.

14. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

- 14.1 The Statement of Principles will be accessible as part of the Council's Publication Scheme maintained under the Freedom of Information Act.

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BACKGROUND DOCUMENTS: None