

REPORT TO: Executive Board

DATE: 7th December 2006

REPORTING OFFICER: Council Solicitor

SUBJECT: Gambling Act 2005 Statement of Gambling Policy

WARDS: Boroughwide

1. PURPOSE OF REPORT

To recommend the Council to adopt the statement of gambling policy attached to this report.

2. RECOMMENDED: That the Council be recommended to adopt the statement of gambling policy attached to this report.

3. SUPPORTING INFORMATION

- 3.1 Under section 349 Gambling Act 2005 the Council is required to adopt a three-year licensing policy. Such policies are known as statements of principles or, more commonly, statements of gambling policy.
- 3.2 At its meeting held on 7th September the Executive Board approved a draft statement of gambling policy for consultation.
- 3.3 A public consultation exercise was then undertaken in respect of the draft statement. The consultation period ended on 23rd October.
- 3.4 Responses were received from: Cheshire Constabulary, the British Beer and Pub Association, BIIAB, BACTA and GAMCARE.
- 3.5 The detailed responses to the consultation exercise are summarised in Appendix 1 to this report. Each response has a corresponding reply.
- 3.6 No changes to the draft statement (attached as Appendix 2) are proposed as a result of the consultation exercise.
- 3.7 Under the Gambling Act 2005 the statement of Gambling policy must be adopted by full Council (on 13th December) and then advertised in the local press. All statements must be in place by the end of January 2007.

4. POLICY IMPLICATIONS

Once adopted, the statement of gambling policy will be used by applicants and the Regulatory Committee in accordance with the Gambling Act 2005.

5. OTHER IMPLICATIONS

There are no other implications arising out of this report.

6. LIST OF BACKGROUND PAPERS UNDER SECTION 100D LOCAL GOVERNMENT ACT 1972

This report is based on the Gambling Act 2005 and the written responses to the consultation exercise. In addition the DCMS and LACORS web-sites have provided background information.

Statement of Gambling Policy replies

Cheshire Constabulary

The police have confirmed that they have no comments to make.

British Beer and Pub Association

Apart from background information the following specific points were made

Request 1: Grants of additional permits for machines in licensed premises should be granted if they comply with the Gambling commission code of practice.

Reply 1: This is not appropriate. This would effectively pre-determine applications and would not allow the Council to take into account additional matters which might be relevant to a particular application.

Request 2: The policy should include an outline of application procedures for permits for more than two machines.

Reply 2: The procedures have not yet been determined. As with the Statement of Licensing Policy issued under the Licensing Act 2003 the Statement and the Regulations are out of phase. The position will be remedied on future reviews but at present it is not possible to include references to procedures. In any event, when the procedures are known they will be posted on the Council's Website (which is probably more appropriate than mixing policy and procedural matters in a single document).

Request 3: The policy or separate guidance should make reference to transitional arrangements.

Reply 3: When the transitional arrangements are known they will be posted on the Council's Website in the form of separate guidance.

BIIAB (British Institute of Innkeepers Awarding Body)

Apart from background information the following specific points were made

Request 4: Door Supervision

The BIIAB have requested the following wording to be added to the 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.”

Reply 4: The Council is not in possession of any evidence on this subject. Any conditions which may be imposed on the matter of door supervisors will be imposed according to the merits of the individual application.

Request 5: Betting Machines

The BIIAB have requested the following wording to be added to the policy “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.”

Reply 5: A machine is not a gaming machine if it is designed or adapted for use to bet on future real events: such machines are referred to as betting machines. The Council is not in possession of any evidence on this subject. All applications will be dealt with on their individual merits.

Request 6: Re-Site applications

The BIIAB has 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”.

Reply 6: This is not appropriate. All applications will be dealt with on their individual merits.

Request 7: Enforcement

The BIIAB have requested the policy includes wording along the following lines:

“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 single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.”

Reply 7: This matter is not limited to bookmaker premises. The Council has no power to direct large organisations to nominate single points of contact. However, where appropriate, procedural guidance will point out the advantages of such an approach.

BACTA (British Amusement Catering Trade Association)

Apart from extensive background information the following specific point was made:

Request 8: Door supervision

“It should be noted that it was not Parliament's intention to require door supervision other than in relation to casinos under Section 176. Therefore a condition for door supervision should not be imposed unless justified on the basis of the application of pre-requisites applying to the addition of conditions set out under the heading above”.

Reply 8: See Request 4 and Reply 4 above.

GAMCARE (National Association for Gambling Care Educational Resources and Training)

An extremely vague standard set of comments was received from GAMCARE a number of which are not intelligible. The points made seem to be all related to operators being made to have regard to best practice by organisations that represent the interests of vulnerable people. Unfortunately this is far too vague for a statement of gambling principles. The input from organisations such as GAMCARE will hopefully advise the Council in its work in the future.