

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 14

Brighton & Hove City Council

Subject:	Gambling Act 2005 – revised policy		
Date of Meeting:	22 November 2012 13 December 2012		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Tim Nichols	Tel: 29-2163
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Gambling Act 2005 requires Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they propose to apply when exercising their functions, and they must publish the statement following the procedure set out in the Act, including whom they should consult.

2. RECOMMENDATIONS:

- 2.1 That the committee agrees to refer the final version of the Statement of Gambling Policy to Full Council for adoption. (Appended)

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Following Gambling Commission guidance, the council's current Gambling Statement was sent to all statutory consultees.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Consultation commenced 16 July 2012 and lasted 12 weeks. The existing statement of gambling policy was sent to consultees and was available on the council's website.
- 4.2 Eight responses were received including Sussex Police, the Racecourse Association, Brighton Racecourse, the National Casino Industry Forum, a medical practitioner, The Quakers Society, Sussex Deaf Association and The Campaign for Fair Gambling. The responses were evaluated. Respondents were in favor. No proposals were made for any changes and therefore it is proposed to maintain our existing policy. (See appendix 1).
- 4.3 Before publishing the Statement, the local authority is required to publish a notice of its intention to publish a statement. This must be done no less than two weeks before the statement is published. The notice must

- a) Specify the date on which the statement is to be published
- b) Specify the date on which the statement will come into effect
- c) Specify the internet address where the statement will be published and the address of the premises at which it may be inspected and
- d) Be published on the authority's website and in or on one or more of the following places
 - A local newspaper circulating in the area covered by the statement
 - A local newsletter, circular or similar document circulating in the area covered by the statement
 - A public notice board on or near the principal office of the authority's public notice board on the premises of public libraries in the area covered by the statement.

The statement must be published at least one month before it takes effect.

4.4 Timetable:

- Licensing Committee 22 November 12
- Full Council 13 December 2012
- Advertised and published during December 2012.
- January 2013 Revised Statement comes into effect

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The costs of producing the Statement of Gambling Policy have been met from within existing revenue budgets. There are no additional financial implications arising from this report.

Finance Officer Consulted: Karen Brookshaw Date: 18/10/12

Legal Implications:

- 5.2 Local authority responsibilities include: upholding licensing objectives, publishing a three year licensing policy, determining applications for premises licences and regulating members clubs – club gaming and machine permits. The Licensing Committee established under section 6 of the Licensing Act 2004 has authority to exercise functions under the Gambling Act 2005 with the exception of: a resolution not to issue casino licences, the three year licensing policy (full council) and setting fees.

Lawyer Consulted: Rebecca Sidell Date: 19/10/12

Equalities Implications:

- 5.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling is one of the licensing objectives. The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. "Vulnerable persons" will not be defined but for regulatory purposes the assumption is that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to a mental

impairment, alcohol or drugs. Operators should encourage where appropriate, strategies for self help and provide information on organisations where advice and help can be sought.

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Gambling Commission Inspectors will have the main enforcement/compliance role. The police and licensing authority officers have powers of entry and inspection.

Risk and Opportunity Management Implications:

5.6 Gambling licensing objectives are:
(a) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime
(b) Ensuring gambling is conducted in a fair and open way
(c) Protection children and other vulnerable persons from being harmed or exploited by gambling.

Public Health Implications:

5.7 None

Corporate / Citywide Implications:

5.8 Licensing authorities licence all gambling premises in the city: casinos, bingo, betting, tracks, adult gaming centres, family entertainment centres as well as administering notices and granting gaming permits.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The Council must publish a policy.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 To refer and present the final version of the Statement of Gambling Policy to Full Council for adoption. (Appended)

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of responses received.
2. Proposed Revised Gambling Statement

Documents in Members' Rooms

1. None

Background Documents

1. None