



Report No: **178/2009**

Public Agenda Item: **Yes**

Title: **Gambling Act 2005 'Statement of Principles 2010', (Gambling Policy)**

Wards  
Affected: **All**

To: **Licensing Committee**

On: **3 September 2009**

Key Decision: **No**

Change to  
Budget: **No**

Change to  
Policy  
Framework: **No**

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## **1. What we are trying to achieve**

- 1.1 To inform Members of the content of the draft 'Gambling Policy', (hereinafter referred to as the 'Statement of Principles 2010'), which Torbay Council is required to write and publish every three years. This Policy is at present within its consultation period, which commenced on 6 August 2009 for a period of 12 weeks, concluding 28 October 2009.
- 1.2 To give Members the opportunity to make representations on that draft 'Statement of Principles 2010' at the Licensing Committee.

## **2. Recommendation(s) for decision**

- 2.1 There is no recommendation for a decision, as this is a Full Council function. At this stage, because the draft 'Statement of Principles 2010' is a consultation document, any representations made by the Licensing Committee will be considered as part of that overall consultation process.

## **3. Key points and reasons for recommendations**

- 3.1 The Gambling Act 2005 requires that Torbay Council, must review and publish a 'Statement of Principles' every three years, outlining the procedures it intends to follow in discharging its statutory responsibilities under the Act.
- 3.2 The Gambling Act 2005 and Codes of Practice issued under the Act, require

those Licensing Authority's authorised to issue a 'Small Casino Premises Licence' to include within their revised 'Statement of Principles' certain information. This includes information on how the 'Small Casino Premises Licence Application Process' will be undertaken by the Council, including the 'greatest benefit test headline criteria' that will be applied to any applications received.

- 3.3 This draft 'Statement of Principles 2010' is a public document, which will be subject to a statutory 12 week consultation period and any person, body or organisation that may wish to make a representation or comment upon the draft statement (including Elected Members), is formally invited to do so.
- 3.4 The Council has a statutory responsibility under the Gambling Act 2005 to complete this process of policy review, publication, consultation, consideration, approval and implementation on or before 30 January 2010; that being the date specified by the Secretary of State as the 'relevant appointed date' under the Act.

**For more detailed information on this proposal please refer to Appendix A.**

**Frances Hughes**  
**Executive Head Community Safety**

## **Appendix A – Supporting information to Report 178/2009**

### **A1. Introduction and history**

- A1.1 The Gambling Act 2005 requires Torbay Council, as a Designated Licensing Authority, to review and publish a 'Statement of Principles' (the Gambling Policy), every three years, outlining the procedures it intends to follow in discharging its statutory responsibilities under the Act. The first 'Statement of Principles' was agreed by Council on 30 November 2006 and was published before the 30 January 2007; that being the date specified by the Secretary of State as the 'relevant appointed date' under the Act.
- A1.2 In accordance with that requirement, (this being the third year of statute), the Council has reviewed its current policy and has prepared a draft 'Statement of Principles 2010'; now formally published as of 6 August 2009 inviting public consultation and comment.
- A1.3 On 15 May 2008 the 'Categories of Casino Regulation 2008' and the 'Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008' were approved by the Secretary of State for Culture, Media and Sport. This order specified which Licensing Authorities could issue premises licences for both large and small casinos; Torbay Council's Licensing Authority was included in that order and was authorised to issue one 'Small Casino Premises Licence'.
- A1.4 On 26 February 2008 the Secretary of State for Culture, Media and Sport issued the 'Code of Practice on Determinations Relating to Large and Small Casinos'. The Licensing Authority must comply with the Code of Practice which states:
- The procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005.
  - Matters to which the Licensing Authority should have regard in making those determinations.
- A1.5 The Code of Practice places a requirement on those Licensing Authority's authorised to issue a 'Small Casino Premises Licence', to include certain information within their revised 'Statement of Principles'. This includes information on how the 'Small Casino Premises Licence Application Process' will be undertaken by the Council, including the 'greatest benefit test headline criteria' that will be applied to any applications received.
- A1.6 The draft 'Statement of Principles 2010' has been considered and commented upon by Philip Kolvin QC, before being published as a draft document for consultation.
- A1.7 This draft 'Statement of Principles 2010' is a public document, which will be subject to a statutory 12 week consultation period that concludes on 28 October 2009 and any person, body or organisation that may wish to make a representation or comment upon the draft statement (including Elected Members), is formally invited to do so.

- A1.8 Upon completion of the statutory consultation period, the Council will consider any representations which may have been made and if necessary, amend the draft 'Statement of Principles 2010'.
- A1.9 Approval of the finalised 'Statement of Principles 2010' is a Full Council decision and a report on the draft 'Statement of Principles 2010' will be presented to Full Council for consideration on 10 December 2009.
- A1.10 The Council has a statutory responsibility under the Gambling Act 2005 to complete this process of policy review, publication, consultation, consideration, approval and implementation; on or before 30 January 2010, being the date specified by the Secretary of State as the 'relevant appointed date' under the Act.

**A2. Risk assessment of preferred option**

**A2.1 Outline of significant key risks**

There are no risks associated with this report.

**A3. Options**

- A3.1 None, as only representations can be made.

**A4. Summary of resource implications**

- A4.1 There are no significant additional resource implications that will derive from the Council discharging its routine and ongoing responsibilities, under the Gambling Act 2005. However, it should be noted that the 'Small Casino Premises Licence Process', will add significantly to the overall workload of the licensing team in meeting the statutory requirements placed upon it.

**A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

- A5.1 There are no equalities or environmental sustainability implications. However one of the Gambling Act 2005 Licensing Objectives is "Preventing Gambling being a source of Crime and Disorder", so the work should have a positive impact on reducing this.

**A6. Consultation and Customer Focus**

- A6.1 There is a 12 week public consultation on the draft 'Statement of Principles 2010', from 6 August 2009 to 28 October 2009. The Council has also undertaken direct consultation with the 'Responsible Authorities' designated by the Act and with those parties identified as 'Stakeholders' to the Gambling Act 2005 licensing regime.

**A7. Are there any implications for other Business Units?**

- A7.1 There are no significant implications for other business units relating to this report but again it should be noted, that the demands of the 'Small Casino Premises Licence Process' will add significantly to the workload of other

Business Units, notably Legal Services, Planning, Procurement, Finance, the Press Office and the Information Governance team.

## **Annexes**

Annex 1      Draft 'Statement of Principles 2010'

**Documents available in members' rooms:**    Copies of all Background Papers.

### **Background Papers:**

The following resources and documents were used to compile this report:

- 1      Gambling Act 2005.
- 2      Gambling Commission Revised Guidance to Licensing Authorities: 2<sup>nd</sup> Edition issued October 2008 and 3<sup>rd</sup> Edition issued May 2009.
- 3      Code of Practice Issued by the Secretary of State for Culture, Media and Sport on 26 February 2008: Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos.
- 4      Torbay Council Gambling Policy 2006 ~ 2009.