



Meeting: Full Council

Date: 6th December 2012

Wards Affected: All

Report Title: Gambling Act 2005 'Statement of Principles 2013', (*Gambling Policy*)

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1. Purpose

1.1 The report sets out the revised draft Gambling Policy for Torbay Council ("the Council") which is required by statute to be reviewed every three years. It contains the principles by which the Council will exercise their functions under the Gambling Act. This draft Gambling Policy, when adopted, will replace the existing Gambling Policy Statement on or before the 30 January 2013. The draft Policy can be found at Appendix 1 to this report.

2. Proposed Decision

2.1 **That the Gambling Policy Statement of Principles 2013, as set out in Appendix 1 to this report be approved.**

3. Action Needed

3.1 To agree the Gambling Policy Statement of Principles 2013.

4. Summary

4.1 The Council is required under the provisions of the Gambling Act 2005 to write, consult upon and publish a revised Gambling Policy Statement by the 30 January 2013.

4.2 The Council is also required to include within the Statement of Principles, the procedure that they propose to follow in making any determinations required under paragraph 4 and 5 of Schedule 9 to the Gambling Act 2005 (**as per pgh 19.4 &19.5 of our Policy**). This is in effect the procedure and criteria to be applied in determining the grant of its Small Casino Premises Licence.

Supporting Information

5. Position

- 5.1 By the provisions of the Gambling Act 2005, the Guidance issued by the Gambling Commission under section 25 Gambling Act 2005 and the Gambling Act (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, the Council is required to write, consult upon and publish a revised Gambling Policy Statement every three years. This must be completed by 30 January 2013.
- 5.2 By the provisions of the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008, Torbay Council was given the right to issue one Small Casino Premises Licence.
- 5.3 By the provisions of the Gambling Act 2005 and the Code of Practice issued by the Secretary of State for the Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos, the Statement of Principles must include the procedure the Council proposes to follow in making such a determination. This is in effect the procedure and criteria to be applied in determining the grant of its Small Casino Premises Licence.
- 5.4 The final draft document, as presented, was sent to a licensing QC for consideration to ensure that it meets all the latest advice and guidance. Subsequent legal advice given by that QC has been incorporated within the final draft document to ensure that it is fit for purpose.
- 5.5 The work and costs associated with the administering of the Gambling Act 2005 are met from existing budgets.

6. Possibilities and Options

- 6.1 There are no alternative options, as this is a statutory requirement of the Council. That said, the contents of the document could be altered but it is important to note that any amendments could run the risk of a legal challenge and would therefore need legal support.
- 6.2 To refuse the Statement of Principles would mean that the Council will not meet its statutory obligation to publish the revised Statement of Principles by the 30 January 2013.

7. Preferred Solution/Option

- 7.1 There is no preferred solution/option, as this is a legal requirement under the Gambling Act 2005 to replace the existing Statement of Principles by the 30 January 2013.

7.2 In preparing this report and draft Policy, Officer's have undertaken an Equality Impact Assessment. The positive impacts are that those under 18 year olds cannot enter the vast majority of gambling premises, as depicted in law. A potential negative impact is gambling addiction, however this is a lawful activity and measures are in place through nationally issued codes of practice to attempt to address this. All licensed premises must offer self exclusion and advice on where individuals can obtain support for gambling addictions. There is no nationally agreed definition of a 'vulnerable person', which forms part of one of the licensing objectives, and after national consultation no agency or group was identified to represent them. Although Adult Safeguarding is not a statutory consultee, discussions will be ongoing with them to explore whether any improvements can be made to help protect 'vulnerable persons'.

8. Consultation

8.1 The draft Statement of Principles 2013 has been consulted upon widely for a period of 12 weeks, finishing on the 26 October 2012. There has been one response. This can be found at Appendix 2 to this report. The recommendation outlined in this response has been incorporated within the Final Draft Statement of Principles 2013.

9. Risks

9.1 There is no risk associated with accepting this report, as it is a statutory obligation placed on the Council, as required by the Gambling Act 2005. There is however risks associated with not agreeing the revised Statement of Principles 2013, in that the Council would be failing to comply with its statutory obligation.

Appendices

Appendix 1 Draft 'Gambling Policy' Statement of Principles 2013

Appendix 2 Response from consultation on Draft Statement of Principles 2013

Additional Information

Statutory Guidance –

http://www.gamblingcommission.gov.uk/shared_content_areas/publications_2012/gla.asp
[x](#)

Legislation – <http://www.legislation.gov.uk/>

Current Gambling Act Statement of Principles 2010 –

<http://www.torbay.gov.uk/index/yourbusiness/licensing/gamblinglicences.htm>