



Report No: Public Agenda Item: **Yes**

Title: **Gambling Act 2005**
'Statement of Principles 2016', (Gambling Policy)

Wards Affected: **All**

To: **Licensing Committee** On: **30th July 2015**

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 2016'*), which Torbay Council is required to write and publish every three years.
- 1.2 To provide Members with an opportunity to make Representations on the draft 'Statement of Principles 2016'.

2. Recommendation(s) for decision

- 2.1 There is no recommendation for a decision, as this is a Full Council function. At this stage the draft 'Statement of Principles 2016' is a draft consultation document, and so Representations made by the Licensing Committee will be considered as part of that 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 Licensing Authority's who are 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. This remains unchanged from the current 'Statement of Principles 2013'.

- 3.3 The final draft 'Statement of Principles 2016' will be 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), will be 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 30th January 2016. 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

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 last ‘Statement of Principles’ was agreed by Council on 6th December 2012 and was published before the 30th January 2013; 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, the Council has reviewed its current Policy and has prepared a draft ‘Statement of Principles 2016’ which will be formally published in early August 2015 inviting public consultation and comment.
- A1.3 The Gambling Commission are currently consulting on changes to the Local Authority Guidance, for a new 5th Edition. The significant changes are that Local Authorities will be able to develop Local Area Profiles and Operators of Licensed Premises will in the future need to submit a Local Risk Assessment for new and/or variation applications. The draft ‘Statement of Principles 2016’ has been amended to include these anticipated changes.
- A1.4 On 15th 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’.
- A1.5 On 26th 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.
- A1.6 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. The sections relating to the Small Casino remain unchanged.
- A1.7 This draft ‘Statement of Principles 2016’ is a public document, which will be subject to a statutory 12 week consultation period that concludes in October 2015 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 2016' accordingly.

A1.9 It is intended that the draft 'Statement of Principles 2016' will be considered and commented upon by Philip Kolvin QC, so incorporating any changes following the consultation period and before it is agreed at Full Council and published.

A1.10 Approval of the finalised 'Statement of Principles 2016' is a Full Council decision and a report on the draft 'Statement of Principles 2016' will be presented to Full Council for consideration on 10th December 2015.

A1.11 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 30th January 2016, 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 statutory obligations, 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 Torbay Council's 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 will be a 12 week public consultation on the draft 'Statement of Principles 2016', during August and October 2015. 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 Compliance Team.

Annexes

Annex 1 Draft 'Statement of Principles 2016'

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: 4th Edition issued February 2013
- 3 Code of Practice Issued by the Secretary of State for Culture, Media and Sport on 26th 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 2013.