

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	TRIENNIAL REVIEW OF GAMBLING ACT 2005 POLICY - CONSULTATION
DATE OF DECISION:	5 TH NOVEMBER 2012
REPORT OF:	HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

Section 349 of the Gambling Act 2005 requires the City Council, as licensing authority, to prepare and publish a statement of licensing principles (SLP) that it proposes to apply in exercising its functions under the Act. The Council adopted its first policy from January 2007 and renewed it from January 2010. This policy must be reviewed at least every three years.

A consultation draft is attached at Appendix 1 for Members' consideration. The draft SLP includes relevant minor amendments as a result of revisions of Government statutory guidance, minor changes in the introduction. More significantly specific additions have been included to address any issues that arise should the Council proceed with its ability to consider applications for a Large Casino under the Act. The Act and Regulations made thereunder are extensive and prescriptive in relation to the content and form of the Statement.

RECOMMENDATIONS:

- (i) That the committee considers the draft revised Gambling Act policy and any response be reported back to Council at the meeting on 14th November 2012;

REASONS FOR REPORT RECOMMENDATIONS

1. The Council has a statutory obligation to adopt a Statement of Licensing Principles and administration of all matters under the Act.

DETAIL (Including consultation carried out)

2. The City Council is undertaking consultation on the draft SLP in accordance with the Act and Regulations as well as the Council's own consultation requirements. The current draft SLP is also be available on the Council's website.
3. Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act.
4. The Act provides for three categories of licence:-
 - (a) Operating licences;
 - (b) Personal licences; and
 - (c) Premises licences
5. The Gambling Commission issues operating licences and personal licences;

and licensing authorities issue premises licences.

6. The main functions of licensing authorities under the Act are as follows: -
 - Licensing premises for gambling activities
 - Considering notices given for the temporary use of premises for gambling
 - Granting permits for gaming and gaming machines in clubs and miners' welfare institutes
 - Regulating gaming and gaming machines in alcohol licensed premises
 - Granting permits to family entertainment centres for the use of certain lower stake gaming machines
 - Granting permits for prize gaming
 - Considering occasional use notices for betting at tracks
 - Registering small societies' lotteries
7. In May 2009 the Gambling Commission issued revised detailed guidance to licensing authorities on the manner in which they are to exercise their functions under the Act, and in particular, the principles they should apply in exercising their functions. Revised Guidance from the Commission is expected in the next few months, but it not expected that any significant alterations will be made from the current guidance.
8. The vast majority of the SLP is prescriptive or flows from statutory guidance which is expected to be included in the document unless there is very good reason not to do so. The Council has also had the benefit of Leading Counsel's opinion on the draft SLP in order to ensure it meets all statutory requirements.
9. As referred to above it is appropriate to include greater detail in the policy as to how the Council will approach any application process in relation to a Large Casino. Council will be aware that in 2007 it was granted permission along with seven other authorities nationally to grant such a licence but to date has not done so. This has been due to numerous factors including the recession, gambling duty changes and the Council's own desire not to actively move the matter forward. In light of the proposals being drawn up for the major redevelopment and regeneration of Royal Pier and Mayflower Park and the possibility that this may contain a casino/leisure complex as part of the overall scheme the timing is right to include more detail in policy. Even if the Council did not formally commence an application period for a large casino there is an ability under the Act for any operator to do so. Given the level of informal interest in Southampton as a location for a new casino as it is the only place where a new large casino could be situated in southern England it is therefore prudent to include appropriate considerations etc in the policy to allow for this option. The revisions are contained within Section 15 of the policy.
10. Further detail of the casino licensing procedure will be detailed in the Application Pack and this will include the evaluation process including criteria, scoring and weighting. The Application Pack will be approved by Licensing Committee or Council prior to its issue.
11. It should be noted this does not commit the Council to grant a licence but it is

prudent to include detail as the policy is due for review in any event.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

12. Not applicable

RESOURCE IMPLICATIONS

Capital/Revenue

13. None

Property/Other

14. None

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

15. Section 349 of the Gambling Act 2005.

Other Legal Implications:

16. The SLP sets out the factors which the Licensing Authority shall take into account, along with relevant statutory guidance, the Gambling Act 2005 and Regulations made thereunder when performing its licensing functions. It is important to note and reiterate that the Licensing Authority is unable to consider issues relating to morality or demand when determining premises licence applications.

POLICY FRAMEWORK IMPLICATIONS

17. The Gambling Act policy is one of the policy framework documents that is required to be considered and adopted by full Council on at least a triennial basis.

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SUPPORTING DOCUMENTATION

Appendices

1.	Southampton City Council's Revised Draft Statement of Licensing Principles
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Documents In Members' Rooms

1.	None.
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	Yes/No
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Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	Guidance to Licensing Authorities – 3rd Edition	Not applicable
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Integrated Impact Assessment and Other Background documents available for inspection at:

WARDS/COMMUNITIES AFFECTED:	n/a
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