

DECISION-MAKER:	COUNCIL		
SUBJECT:	TRIENNIAL REVIEW OF GAMBLING ACT 2005 POLICY		
DATE OF DECISION:	20 JANUARY 2010		
REPORT OF:	SOLICITOR TO THE COUNCIL		
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STATEMENT OF CONFIDENTIALITY
None

SUMMARY

Section 349 Gambling Act 2005 requires the City Council, as licensing authority, to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. The Council adopted its first policy in November 2006 with it coming into effect on 31st January 2007. Currently every three years at least it must review the policy. The implementation of the new licensing regime has been low key and has not caused any significant problems that warrant changes to the Council's overarching policy.

The consultation draft previously approved by Council on 16th September 2009 is attached at Appendix A for Members' consideration. The draft SLP includes relevant minor amendments as a result of revisions of Government statutory guidance, minor changes in the introduction but nothing more. The Act and Regulations made thereunder are extensive and prescriptive in relation to the content and form of the Statement.

RECOMMENDATIONS:

- (i) That Council adopts the draft revised Gambling Act policy

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

CONSULTATION

2. The City Council has undertaken an extensive consultation on the draft SLP in accordance with the Act and Regulations as well as the Council's own consultation requirements.
3. Reports were considered by the Licensing Committee and the Local Safeguarding Children's Board (LSCB) but neither had any substantive revisions to the draft policy.
4. No responses from the trade or public have been received at the date of this report. Should any be received subsequently they will be reported to the meeting orally

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. Not applicable

DETAIL

6. 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.
7. 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
8. The Act provides for 3 categories of licence:-
(1) Operating licences;
(2) Personal licences; and
(3) Premises Licences
9. The Gambling Commission issues operating licences and personal licences, and licensing authorities will issue premises licences.
10. The Gambling Commission issued revised detailed guidance to licensing authorities in May 2009 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. 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.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

11. None.

Revenue

12. None

Property

13. None

Other

14. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

15. S.349 Gambling Act 2005

Other Legal Implications:

16. The Statement of Licensing Principles set 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 currently required to be considered and adopted by full Council on at least a triennial basis

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

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

1.	None
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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)

1.	Gambling Commission – Guidance to Licensing Authorities May 2009
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Background documents available for inspection at: Gambling Commission website

KEY DECISION? n/a

WARDS/COMMUNITIES AFFECTED:	All
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