



Council

**Tuesday, 08
December 2015**

Matter for Decision

Title: **Review of Gambling Act Statement of Licensing Policy**

Author: **Stephen Eyre - Interim Licensing Team Leader**

1 Introduction

- 1.1 The Gambling Act 2005 ('the Act') came into force on 1 September 2007 and introduced a new regime to control all gambling.
- 1.2 Under section 349 of the Act, Licensing Authorities are required to prepare and publish a statement of principles which they intend to apply when exercising their functions under the Act. This statement of principles is referred to as the Statement of Licensing Policy ('Policy').
- 1.3 Section 349 also requires licensing authorities to review their Policy every three years. The reviewed Policy must come into force by 31 January 2016.

2 Recommendations

That the reviewed Gambling Statement of Licensing Principles is adopted.

3 Review of Statement of Licensing Principles

- 3.1 The current policy has been reviewed in accordance with national guidance issued to licensing authorities by the Gambling Commission. A draft statement of licensing policy is attached as Appendix 1.
- 3.2 Although the guidance broadly remains unchanged, there are two new areas that must be addressed within a licensing policy. These are:
 - Local risk assessments
 - Local area profile – mapping out the District's gambling premises licences and the risk they pose.
- 3.3 A paragraph requiring applicants to carry out and submit a risk assessment relating to their application has been added at Part 8 of the draft policy.
- 3.4 A profile of the licensed premises/activities within the borough of Oadby and Wigston has been inserted at Part 9 of the draft policy. Applicants will use this profile to inform their risk assessment. At the time of print there were 8 licensed premises comprising of 6 betting shops, 1 Betting (On Course) and 1 adult gaming centres.

4 Consultation

- 4.1 The Gambling Act 2005 requires all local authorities have to widely consult when reviewing their Statement.
- 4.2 The reviewed Policy was sent out for consultation for 5 weeks commencing on 10 August. The consultation was sent out both electronically by email, and where this was unavailable, sent through the post. The consultation closed on 20 September.
- 4.3 The following responses were received:
1. The Bingo Association advised that a change needed to be made in regards to the number of category B gaming machines which were allowed in Bingo premises'. The Gambling Act 2005 (Gaming Machines in Adult Gaming Centres and Bingo Premises) Order 2011 amended the number of category B machines allowed in a Bingo premises to go from 8, to Twenty Percent of the total number of machines. This amendment has been made.
 2. The Racecourse Association suggested three amendments:-
 - a. In respect of Part 8 (Local Risk Assessments) that tracks are not required to hold an operating licence if they were not providing facilities for betting themselves, as these would be provided by other operators.
 - b. In respect of Part 14 of the draft policy, was that there is already provision for racecourses to provide licensed door supervisors in some roles, and therefore the council should not impose any further provisions relating to door supervisors. This provision comes from both the Licensing Act 2003 and the Private Security Industry Act 2001.
 - c. In respect of Part 21, where the Council may impose additional conditions on Racecourses, the Council was asked to ensure that these conditions do not exceed those outlined in the Premises Licence Mandatory and Default Conditions.
 3. The Association of British Bookmakers instructed Gosschalks Solicitors to comment on their behalf. They suggested two amendments:-
 - a. In respect of Part 14 of the draft policy, it was submitted that decisions upon individual conditions to be added should not be made if there is a 'perceived need', as this is not enough. It was recommended to amend this to show that additional conditions will be added if there is evidence of a risk to the licensing objectives.
 - b. In respect of Part 18, it was recommended that the refusal of planning permission must be a matter of fact and degree in the particular circumstances of that case, if that premises is not ready to be used for gaming.
- All three suggestions have been included.
4. Ladbrokes sent a generic reply to the draft gambling policy, and there was nothing of particular relevance to Oadby and Wigston Borough Council.

5. Leicester Racecourse was approached for comment on this draft policy. They did not wish to make any comment, as they are in agreement with the comments made by the Racecourse Association.

4.4 No other comments were received.

4.5 On 1 October 2015 the Licensing Committee agreed to recommend the adoption of the policy to Council. A copy of the policy with these minor changes is attached as **Appendix 1**.

5 Approval Process

5.1 Members' confirmation is sought that the reviewed policy be approved prior to its publication in January 2016. Once the policy has been approved it must be published 4 weeks prior to it coming into effect on 31 January 2016.

Email: licensing@oadby-wigston.gov.uk

Tel: 0116 2572 637

Implications	
Equalities	A broad consultation has been undertaken on this draft policy
Financial	No direct impact.
Legal	The Council Must comply with its statutory requirement to review the Gambling Policy.
Risk	CR6 – Changes to legislation.