

To: Licensing and Gambling Acts Committee

Date: 19 February 2013 **Item No:**

Report of: Head of Environmental Development

Title of Report: Review of the Statement of Gambling Licensing Policy

Summary and Recommendations

To agree a Draft Revised Statement of Gambling Licensing Policy for public consultation.

Report Approved by:

Finance: Emma Burson
Legal: Jeremy Franklin

Policy Framework: Statement of Gambling Licensing Policy

The Committee is recommended to:

- a) Consider and confirm the amendments to the Statement of Gambling Licensing Policy;
- b) For the purpose of adopting a new policy confirm that the “No Casino” resolution remains
- c) recommend any further changes;
- d) agree the Revised Statement of Gambling Licensing Policy for consultation (dates to be arranged);
- e) authorise the Head of Environmental Development to undertake the required consultation.

Introduction

1. The Committee is reminded that all Licensing Authorities have adopted a Statement of Gambling Licensing Policy. This Statement must promote the three licensing objectives of the Gambling Act 2005 (the 2005 Act), which are:
 - Preventing gambling from being a source of crime and disorder
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and vulnerable persons from being harmed or exploited by gambling

2. The Council is obliged to determine and publish the "Statement of Gambling Licensing Policy" and to keep it under review, and to renew the Policy at least every three years. In preparing the Statement, Licensing Authorities must follow the procedure set out in the 2005 Act, including who should be consulted. The current policy is due to expire shortly and therefore the Committee is requested to review the proposed new Policy.
3. The Statement of Gambling Licensing Policy sets out how the Licensing Authority intends to exercise its functions under the 2005 Act.

Gambling Commission: Guidance issued to Licensing Authorities

4. In carrying out its functions the Licensing Authority must also have regard to the "Guidance issued to Licensing Authorities" by the Gambling Commission (being the unified regulator for gambling in Great Britain). Revised guidance came into force in September 2012, and this has led to the amendments and addition of the Policy appendices.
5. Government Guidance prescribes what must be included in its content in the interest of national consistency. The Council therefore has limited scope to make significant changes to the Statement of Gambling Licensing Policy. However where there are good reasons, the policy can depart from the Guidance in order to reflect local circumstances.
6. In drafting the original Statement of Gambling Licensing Policy considerable work was done by a team of officers from Oxfordshire districts on drafting a common 'core' Statement of Gambling Licensing Policy that each district adapted for its own use.
7. The Council has continued to work with other Licensing Authorities in Oxfordshire in reviewing this Statement of Gambling Licensing Policy to ensure, as far as possible, that a consistent approach is taken to assist applicants for licences and those who may wish to make representations under the provisions of the 2005 Act.

Functions of the Licensing Authority

8. The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. Their main functions are to:
 - licence premises for gambling activities
 - consider notices given for the temporary use of premises for gambling
 - grant permits for gaming and gaming machines in clubs and miners' welfare institutes
 - regulate gaming and gaming machines in alcohol-licensed premises
 - grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
 - grant permits for prize gaming
 - consider occasional use notices for betting at tracks
 - register small societies' lotteries.

9. Licensing Authorities also have an obligation to provide information to the Gambling Commission, including details of licences, permits and registrations issued by way of the submission to the Gambling Commission of an “annual return”.
10. Licensing Authorities also carry out inspection of licensed premises in order to ensure they are run in accordance with the three licensing objectives and the conditions applied to the licences. During the period of the last Statement of Gambling Licensing Policy all 33 licensed premises were visited annually and no issues of non-compliance were found, and no complaints about these premises were received.
11. These figures highlight that the previous Policy provided a transparent platform from which Operators of licensed premises could manage their businesses, and clear guidance as to how these Operators would meet with the licensing objectives, and how the work of the Officers contributes to the effective control of such establishments.

No Casino Resolution

12. When the Independent Casinos Advisory Panel sought applications for proposed casinos from Licensing Authorities in 2006, this Authority chose not to submit a proposal for such an establishment, and therefore Oxford was not chosen as a location for one of the first 17 new casinos permitted under the 2005 Act.
13. On 20th November 2006 following a recommendation by the Licensing and Gambling Acts Committee, Full Council passed a ‘No Casino’ resolution (in accordance with S.166 of the 2005 Act). This has the effect that the Licensing Authority will not consider any application for a casino premises licence. Any application received will be returned with a notification that a ‘no-casino’ resolution is in place.
14. On each occasion that the Statement of Gambling Licensing Policy is renewed, and approved by Full Council, the ‘No Casino’ Resolution remains in force. Members of this Committee are asked as a matter of good process to consider whether such a Resolution should be retained, and if so, to recommend such to Full Council.

Consultation on the Draft Revised Statement of Gambling Licensing Policy

15. A new Statement of Gambling Licensing Policy is required to be approved by the Committee prior to its publication. A list of amendments within the Draft Statement of Gambling Licensing Policy currently before Members is attached as **Appendix One**. A copy of the Draft Statement of Gambling Licensing Policy is attached as **Appendix Two**.
16. Before determining the revised Statement of Gambling Licensing Policy, the Licensing Authority must consult with persons as listed below:
 - Members of the public;

- Responsible Authorities (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety); and
- Current licence holders and representatives of current licence holders.

17. The proposed consultation timetable is as follows:

- 19th February 2013, consultation draft Statement of Gambling Licensing Policy approved by Committee,
- agreed draft Statement of Gambling Licensing Policy to go for consultation between XXXX and XXXX to Area Forums (as representative of businesses and residents in the area), and with “Responsible Authorities” (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety), representatives of current licence holders and registered clubs, and others including Community Safety, Building Control and the local Accident and Emergency Department, and the general public via the Council’s website.
- agreed draft Statement of Gambling Licensing Policy to be posted on the Councils website and made available at libraries and public buildings,
- XXXX: report to Licensing and Gambling Acts Committee to consider consultation responses and approve the final Statement of Gambling Licensing Policy, in light of the consultation responses received,
- XXXX: report to City Executive Board to consider the decision of the Licensing and Gambling Acts Committee approval of the final Statement of Gambling Licensing Policy.
- XXXX: Licensing and Gambling Acts Committee’s and Chief Executive Board’s recommendations to Full Council for adoption of the final Statement of Gambling Licensing Policy.

Financial Implications

18. Any financial implications regarding this matter are covered within existing budgets.

Legal Implications

19. Any legal implications regarding this matter are covered within the 2005 Act.

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Background Papers:

Appendix One: Recommended amendments and additions to the existing Statement of Gambling Licensing Policy

Appendix Two: Revised draft Statement of Gambling Licensing Policy

Version 1.0

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