

PART A

Report to: Licensing Committee
Date of meeting: 12 November 2012
Report of: Head of Environmental Services
Title: Gambling Act 2005 Statement of Principles

1.0 SUMMARY

1.1 The Council is the local licensing authority under the Gambling Act 2005 and is required to review, consult upon and publish a triennial policy document. Only very minor amendments are suggested to the proposed document which will take effect from January 2013.

2.0 RECOMMENDATIONS

- 2.1 That the Licensing Committee recommends to the Council the adoption of the Statement of Principles under the Gambling Act 2005 set out at the appendix.
- 2.2 The Licensing Committee recommends that Council resolves under section 166 of the Gambling Act 2005 that from 5 December 2012 it will not issue any casino premises licences as it believes a casino would detract from its aspiration to create a safe, prosperous and family-friendly town centre.

Contact Officer:

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Report approved by: Alan Gough, Head of Environmental Services

3.0 DETAILED PROPOSAL

3.1 Background

Under the Gambling Act 2005 the Council is responsible for preparing a statement of principles setting out how it exercises its various responsibilities in terms of issuing premises licences, liaising with the Gambling Commission (a national co-regulator), carrying out its enforcement functions and issuing permits for small-scale gambling such as machines in alcohol-licensed premises and registering small society lotteries.

- 3.2 In preparing the statement the licensing authority must have regard to the three licensing objectives of the Gambling Act, and the principles that are set out in paragraphs 2.6 and 2.7 of the draft document.
- 3.3 The changes to the draft statement of principles are summarised below, apart from where

references to the Commission's current Guidance have been updated:

- (a) updating information about the Borough (paras 4.5 – 4.7)
- (b) reinforcing the view that moral objections or those based on unmet demand are not valid reasons for objecting to licences (para 6.5)
- (c) that we will conduct reactive and not proactive inspections (para 8.5). This is based on the very low level of complaints received (less than two a year) and the generally high level of compliance observed during proactive inspections
- (d) information about not aggregating the permitted numbers of gaming machines where more than one premises licence has been issued within one building (para 9.7)
- (e) amend the advice that in-house door supervisors at casinos and bingo premises do not need to be licensed by the Security Industry Authority (para 9.22)
- (f) confirming that a “no casino” resolution has been passed (para 12.1 and see below)
- (g) including advice about primary gambling activity (to ensure the gambling activities provided are those indicated on the Operator licence issued by the Gambling Commission) (paras 13.9 and 14.8 – 14.11)
- (h) adding that licence reviews may be brought where a licence holder has not provided gambling facilities at their premises (para 17.3)
- (i) noting the Commission's guidance on the factors to be taken into account when deciding whether a club would be properly constituted in accordance with the Act (para 21.2)
- (j) including a new section on small society lotteries (para 24.1).

3.4 The Gambling Act allows (but does not require) the licensing authority to pass a resolution that it will not issue any premises licences for casinos. The resolutions are valid for three years, and the Council made such a resolution in 2005 and 2009 (and which is contained at paragraph 12.1 of the statement). Watford is not one of the areas of the country where casino licences may be issued but the Council should nevertheless pass one.

3.5 The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- (a) one or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area. The authority will therefore consult the holders of premises licences issued under the Gambling Act 2005 within the Borough;
- (b) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005 and the following will be consulted:
 - (a) Clubs with club premises certificates under the Licensing Act 2003
 - (b) Hertfordshire Constabulary

- (c) Hertfordshire County Council (Trading Standards)
- (d) Residents of the Borough
- (e) The Gambling Commission
- (f) Watford and West Herts Chamber of Commerce
- (g) Watford Council for Voluntary Services

3.6 The draft statement of principles was placed on the Council's website after the Licensing Committee approved it on 16 July 2012 and consultees advised of its location. In line with recommendations from the Cabinet Office, the consultation period ran for twelve weeks until 2 October 2012.

3.7 No comments have been received in response to the consultation. This is not perhaps surprising given the technical nature of the document, the relatively low number of gambling premises in the Borough, and the low impact that gambling activities have within Watford. The Committee is asked to recommend to Council as the licensing authority they adopt the revised policy.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Head of Strategic Finance comments that there are no financial implications arising from this report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Legal and Democratic Services comments that there are no legal issues arising from this report.

4.3 **Equalities**

An Equalities Impact Assessment has been conducted.

4.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Council unable to fulfil statutory functions through failure to properly consult	1	2	2
Challenge to policy by way of judicial review	<i>Less than 1</i>	2	2
<i>Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.</i>			
Risks are to be scored 1 - 4 for both Likelihood and Impact Likelihood 1=unlikely 2=possible 3= highly likely 4= virtually certain Impact 1= very little 2=not very serious 3= serious 4= catastrophic So overall maximum score is 16			

Appendices

Appendix 1 - Gambling Act 2005 statement of principles 2013 – 2016

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report:

- Gambling Act 2005
- Gambling Act 2005 (Licensing Authorities Policy Statement) (England and Wales) Regulations 2005
- Guidance for Local Authorities (Gambling Commission, June 2012)
- Local Government Association template Statement of Principles (June 2012)

File Reference

Gambling Act 2005