

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO LICENSING COMMITTEE**

**29 SEPTEMBER 2015**

**REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES**

**GAMBLING ACT 2005**

**CONSULTATION ON DRAFT STATEMENT OF LICENSING POLICY 2016-2019**

**1. Purpose of Report.**

- 1.1 To seek approval from the Committee to commence the statutory consultation process for the publication of a Statement of Licensing Policy in relation to gambling.

**2. Connection to Corporate Improvement Objectives/Other Corporate Priorities**

- 2.1 The proposal is required to effectively discharge the functions of the authority to comply with the Gambling Act 2005.

**3. Background.**

- 3.1 The Council is a licensing authority for the purposes of regulating gambling premises in its area. The Council, as a licensing authority must publish, on a three year basis, a Statement of Licensing Principles governing the regulation and decision making process relating to gambling premises. The current Statement of Licensing Principles is due to expire in January 2016. Before publishing a new Statement the Council must undertake a statutory consultation exercise.
- 3.2 The consultation process is prescribed by legislation and involves direct communication with statutory consultees such as the Gambling Commission and the South Wales Police as well as bodies representing the interests of gambling businesses. It also includes Town and Community Councils, community groups and consultation via the Council's website. A list of consultees is shown within the draft Statement of Licensing Principles attached as Appendix A to this report.
- 3.3 For information, the Gambling Act 2005 gives the Council as a licensing authority, a number of important regulatory functions in relation to gambling. The Council's 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; and
- Register small societies' lotteries.

The Act contains three licensing objectives which underpin the functions that the Council performs. These objectives are central to the Act. They are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.4 The authority cannot take into account other considerations such as moral or ethical objections to gambling and local authorities are not involved in the licensing of remote gambling at all, and this activity is regulated by the Gambling Commission through operator licences.

#### **4. Current situation / proposal.**

4.1 The Gambling Commission is the unified regulator for gambling in Great Britain and it is responsible for granting operating and personal licences for commercial gambling operators; however, the responsibility for licensing individual premises, as well as some functions in relation to lower stake gaming machines in clubs rests with local authorities

4.2 Bridgend County Borough Council is therefore responsible for dealing with applications for premises licences and permits as well as ensuring compliance with the Gambling Act at a local level.

4.3 As part of the preparation for this consultation, an informal review of current premises and complaints has been undertaken. This is the current profile;

<b>Premises/Permit Type</b>	<b>Number of Premises</b>	<b>Comments</b>
Betting	18	18+
Bingo	2	18+
Adult Gaming Centre	6	18+
Family Entertainment Centre	4	Mixed access with 18+ segregated area
Registered Members Club	27	
Licensed Premises	8	Licensed premises with

		more than 2 machines
Licensed Premises	82	Automatic entitlement for two machines
Family Entertainment centre (permit)	10	Typically Seaside venues – all age access
Total Number of premises where gambling available	157	

There are also 153 local groups and societies registered to conduct lotteries for fundraising purposes. These groups must be non-commercial and established for charitable purposes of for the for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity. Proceeds must not exceed £20,000 for a single draw and the society must not have aggregate proceeds from lotteries in excess of £250,000 in any one year.

During the last three year period since the last policy was published, the authority has received 7 complaints\* relating to gambling premises:

- 5 of the complaints related to allegations of machines sited in unlicensed premises such as takeaways and local shops. Some of these involved assessing whether the machines sited were Skills with Prizes machines which do not require a permit and Gaming Machines which do.
- 1 complaint related to an alleged faulty Category D machine which was not substantiated
- 1 complaint related to children allegedly playing Category B machines in a registered members' club which could not be substantiated

\*analysis carried out against Trading Standards, Public Protection and Licensing complaints databases

4.4 In carrying out its functions under the Act a licensing authority must have regard to the statutory Guidance issued by the Gambling Commission. In relation to premises licensing, the Council can only consider matters within the scope of this Guidance, the Gambling Act 2005 and Codes of Practice. The Council's primary obligation under Section 153 (1) of the Gambling Act 2005 is to permit the use of premises for gambling insofar as it thinks that to do so is:

- a) In accordance with relevant codes of practice issued by the Gambling Commission;
- b) In accordance with guidance issued by the Commission;
- c) Reasonably consistent with the licensing objectives; and
- d) In accordance with the Licensing Authority Statement of Policy subject to a) to c) above:

4.5 The Commission stresses that 'Must have regard to' does not mean that the licensing authority must always follow the Guidance to the letter; however, the expectation is that there should be strong and defensible reasons for departing from it. The Guidance also emphasises that in seeking to encourage consistency across

licensing areas, the Commission does not seek to fetter the discretion that authorities have under the Act to make decisions which reflect local circumstances, for example the location of premises.

- 4.6 No area based or premises based concerns emerged following the review, and therefore, the policy has been largely updated to reflect updates to the Gambling Commission statutory guidance. The key points highlighted are at Section 3 of the draft policy statement and reflect the changes to the Licence Conditions and Code of Practice issued (LCCP) by the Gambling Commission, which strengthen the Social Responsibility Code, and require operators to complete risk assessments which identify the local risks posed to the licensing objectives by the provision of gambling facilities. In addition, operators must have policies, procedures and control measures in place to mitigate those risks.

## **5. Effect upon Policy Framework & Procedure Rules.**

- 5.1 None

## **6. Equality Impact Assessment**

- 6.1 There are no negative equality implications.

## **7. Financial Implications.**

- 7.1 None

## **8. Recommendation.**

- 8.1
1. To note the Report.
  2. Give approval to consult.
  3. Note that a further report will go to Council after the consultation exercise.

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**23 September 2015**

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## **Background documents**

Statutory Guidance, codes of practice and social responsibility code documents available from the Gambling Commission at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)