

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE
MONDAY 5TH JUNE 2006

Statement of Gambling Policy

OPEN	
RESPONSIBLE OFFICER:	Head of Planning Health and Environment
CONTACT OFFICER:	Brian Kent brian.kent@wyreforestdc.gov.uk
APPENDICES	Appendix 1 – Draft Gambling Policy

1. PURPOSE OF REPORT

- 1.1 To receive a report on the District Statement of Gambling Policy.

2. RECOMMENDATION

The Committee is asked to RECOMMEND to Cabinet:

- 2.1 The Draft Statement of Gambling Policy for the Wyre Forest District, be approved to enable consultation to commence with relevant stakeholders.**

3. BACKGROUND

- 3.1 The Gambling Act 2005 gives effect to the Government's proposals for reform of the law of gambling. The Act contains a new regulatory system to govern the provisions of all gambling in Great Britain, other than the National Lottery and spread betting. It received the Royal Assent on 7th April 2005.
- 3.2 The Gambling Act 2005 repeals the Betting, Gaming and Lotteries Act 1963, The Gaming Act 1968, and the Lotteries and Amusements Act 1976.
- 3.3 The Act has introduced a unified regulator for gambling in Great Britain, the Gambling Commission.
- 3.4 The Act removes from the licensing justices all responsibilities for granting gaming and betting permissions, which they exercised previously. Instead the Commission and Licensing Authorities will share between them responsibility for all matters previously regulated by the Licensing Justices.
- 3.5 From 2007 Licensing Authorities will have new powers to license gambling premises within their area as well as undertaking functions in relation to lower stake gaming machines and clubs and miners welfare institutes. The Act also provides for a new system of temporary use notices. These will authorise premises that are not licensed

generally for gambling purposes to be used for certain types of gambling for limited periods.

4. LICENSING OBJECTIVES

4.1 The Gambling Act contains three licensing objectives, which underpin the function that the Commission and Licensing Authorities will perform. These are objectives are central to the new regulatory regime created by the Act. They are:

- Preventing gambling from being a source of crime and 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.

4.2 The Licensing Authority is required to prepare every three years a statement of gambling policy, which it proposes to apply, and must publish the statement.

4.3 Full consultation must be made with:

- The Chief Police Officer for the District;
- The Fire and Rescue Authority For Hereford and Worcester;
- Child Protection Planning and Review Unit of Worcestershire County Council;
- Persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Wyre Forest Area;
- Persons who appear to the Licensing Authority to represent the interests of person who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

4.4 The views of these bodies should be given proper weight when the policy is determined.

4.5 Beyond the statutory requirements it is for each licensing authority to decide the full extent of its consultation but should have due regard to cost and time.

4.6 The Secretary of States Guidance Notes and associated regulations has been published to show how the Gambling Act 2005 should operate in practice.

5. LEGAL IMPLICATIONS

5.1 Previous legislation required that the grant of certain gambling permissions should take account of whether there is unfulfilled demand for facilities.

5.2 Unmet demand is not a criterion for a licensing authority in considering an application for a premises licence under the Gambling Act. Each Application must be considered on its own merits without regard to demand.

5.3 The statement of licensing policy should reflect this situation and not comment on the need for gambling premises or where they should be located.

6. FINANCIAL IMPLICATIONS

6.1 The Government has released the scale of fees so that predictions of income can be estimated.

6.2 Current estimated costs of the service have been budgeted for in 2006/7 and beyond.

7. CONCLUSION

7.1 The Statement of Gambling Policy is a statutory document, which the Council must have in place by 1st January 2007, and a final policy brought back to Council in November/December.

8. CONSULTEES

8.1 Head of Legal and Democratic Services

9. BACKGROUND PAPERS

9.1 Guidance Notes

22.5.06