

REPORT OF THE EXECUTIVE DIRECTOR - PLACE

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES (POLICY)

1.0 SUMMARY

- 1.1 The report sets out the details of the revised Statement of Principles (Policy) to be published under the Gambling Act 2005 and details of the consultation process that has been undertaken.
- 1.2 The report also gives background information as to the legal requirement to have a Statement of Principles (Policy)

2.0 WHAT DOES THIS MEAN FOR THE PEOPLE OF SHEFFIELD

- 2.1 The policy will assist the Licensing Service in administering and enforcing the Gambling Act in accordance with the promotion of the three licensing objectives:
 - 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.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2 It will provide new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Gambling Act process.
- 2.3 The policy will assist the Council in achieving the key priorities in the Corporate Plan 2011-14;
 - Standing up for Sheffield
 - Supporting and Protecting Communities
 - Focusing on Jobs
 - Business Friendly
- 2.4 The document also recognises the need to protect children and vulnerable people from the negative impacts of gambling. To ensure this the Licensing Service is working closely with the Safeguarding Children Service and GAMCARE.
- 2.5 In revising our policy we have improved the content and design.
- 2.6 The overarching benefits are that the new policy will assist in “Making Sheffield a Great Place to Be” by supporting the following strategic outcomes;
 - A Strong & Competitive Economy – working with businesses
 - A Great Place to Live – place management / effective service delivery
 - Vibrant City – night time economy / destination of choice
 - Safe & Secure Communities – working with police, safer neighbourhood officers etc. around “Crime Prevention”
 - Successful Young People – protect and promote the welfare of children

3.0 OUTCOME AND SUSTAINABILITY

3.1 The expected outcomes are that;

- Sheffield City Council has an up-to-date and effective gambling policy;
- The policy ensures that premises are well managed and that they integrate in to the local community;
- Children are protected from the potential harms of gambling;
- It supports the priorities, values and outcomes set out in “Standing Up For Sheffield” the Corporate Plan 2011-14.

3.2 Gambling premises are a significant part of the City’s economy and the larger businesses such as bingo halls and casinos are a key part of the night time economy.

3.3 The revised policy will be supplemented by a new “City Wide Licensing Strategy”.

4.0 BACKGROUND

4.1 The Statement of Principles (Policy) is a guide to officers and to the Licensing Board when dealing with matters placed before them relating to the 2005 Act.

4.2 The Statement of Principles (Policy) is a clearly written document that will assist not only applicants but businesses, local residents and any other persons that may have an interest in the 2005 Act.

4.3 The Statement of Principles (Policy) allows the discretion of the Council and for every application to be dealt with individually on its merits.

4.4 The Statement of Principles (Policy) will assist the Licensing Authority in carrying out its powers in a socially responsible manner to deliver the three core objectives;

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

4.5 The Statement of Principles (Policy) states how it will secure the proper integration with local crime prevention, child protection, planning and any other plans introduced for the management of the city as a whole or each individual area.

4.6 There is a firm commitment within the document to avoid duplication with other regulatory regimes such as Planning, Health & Safety and Fire Safety Legislation.

4.7 The Statement of Principles (Policy) sets out in Section 18 of Part A the recommended delegation of functions under the 2005 Act.

5.0 GAMBLING RELATED HEALTH AND ADDICTION

- 5.1 As the Licensing Authority we have no statutory (legal) capability to impose a financial charge on applications to fund either health or addiction prevention work.
- 5.2 The Head of Licensing will set up a voluntary project team. This will include local authority services, stakeholders and local operators to investigate potential need for such work. The project aims to agree a statement of intent and duty of co-operation with all local operators, and to explore the potential to set up a voluntary fund to assist in tackling gambling related health and addiction issues in Sheffield.

6.0 LEGISLATION

- 6.1 Section 349 (1) of the 2005 Act states:

“A licensing authority shall before each successive period of three years-

- (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
- (b) publish the statement.”

- 6.2 Sheffield City Council’s first Statement of Licensing Principles (Policy) was published on 2nd January 2007 and then revised and published again in January 2010. The Licensing Authority has revised the policy as required under section 349 (1) of the 2005 Act and has followed the same process as it did when consulting with previous policies.
- 6.3 Revisions have been made to the previous policy in all sections to ensure compliance of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The revised policy provides more detailed information for each of the processes.
- 6.4 The document has been produced in accordance with the 2005 Act; the guidance issued by the Gambling Commission and guidance issued by LACORS and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006

7.0 CONSULTATION

- 7.1 The formal consultation process commenced on 2nd April 2012 for a period of twelve weeks, and concluded at 5:00pm on the 25th June 2012.

- 7.2 Section 349 (3) of the 2005 Act states:

“In preparing a statement or revision under this section a licensing authority shall consult –

(a) either-

- (i) in England and Wales, the chief officer of police for the authority’s area, or
- (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,

(b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area, and

(c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the authority's functions under this act."

7.3 Over 2,600 invitations to respond to the consultation have been issued. A list showing the range of consultees is attached at Appendix 'A' - this list is not exhaustive.

7.4 These included a link to the Statement of Principles (Policy) website. Consultees had the option of obtaining a copy of the Policy from us, a hard copy was also available in the Town Hall, First Point for Business, Howden House and the Central Library.

7.5 We had a total of 18 responses of which the vast majority were stating no comment or simply requesting a copy of the document.

8.0 AMENDMENTS TO THE STATEMENT OF PRINCIPLES (POLICY)

8.1 During the consultation period, only three consultees responded requesting amendments and /or proposed additions, details of which are listed at Appendix 'B' of this report.

8.2 Amendments have been made where appropriate to the draft policy in response to the comments received.

8.3 A further addition was requested by CMT/EMT at 4.7.3 of the policy to include 'Community Buildings' this has been included in the policy. Pictures on the electronic version of the policy will also be changed to pictures of Sheffield.

8.4 An electronic copy of the policy will be provided with this report.

9.0 WHAT DOES THE POLICY DEAL WITH

9.1 The policy deals with all forms of gambling that are governed by the Gambling Act 2005 these include;

- | | |
|----------------------------------------|-------------------------|
| - Casinos | - Bingo Halls |
| - Betting Shops | - Tracks |
| - Adult Gaming Centres | - Lotteries |
| - Family Entertainment Centres | - Club Gaming Machines |
| - Gaming Machines in Licensed Premises | - Temporary Use Notices |
| - Occasional Use Notices | |

9.2 The policy deals with all types of applications including the grant, variation and transfer of licences as well as the review of a licence.

9.3 The policy sets out how the Licensing Authority intends to deal with applications under the Gambling Act and is also a guide to applicants, residents, responsible authorities, interested parties and the Licensing Committee.

9.4 It will provide new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Gambling Act processes.

9.5 It is intended that the Statement of Principles (Policy) will assist the Licensing

Authority in carrying out its powers in a socially responsible manner, whilst promoting the three core objectives, which are:

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

10.0 A BRIEF TIMETABLE FOR DETERMINATION OF THE STATEMENT OF PRINCIPLES (POLICY)

10.1 For the benefit of Members, I have set out below the key dates in the process of determining the revised Statement of Principles (Policy):

- | | | |
|--------------------------|---|--------------------------------|
| • Report to Cabinet | - | 21 st November 2012 |
| • Report to Full Council | - | 5 th December 2012 |
| • Publish Policy | - | 2 nd January 2013 |

11.0 FINANCIAL AND RESOURCE IMPLICATIONS

11.1 The work on the revision of the Statement of Principles (Policy) is a Statutory Duty placed upon us as the Licensing Authority and the work is undertaken within the current resources of the Licensing Service and the costs are fully recovered through licence fees under the Gambling Act 2005.

11.2 Therefore there are no additional financial and resource implications to the Council.

12.0 LEGAL IMPLICATIONS

12.1 Failure to formally review or consult on a Statement of Policy within the timescales required by the Gambling Act 2005, Regulations and Associated Guidance would mean that the council would not be complying with its statutory duty and would leave itself open to legal challenge.

12.2 If the revised document referred to within this report is approved by full Council in December then the Council as the Licensing Authority have fulfilled its statutory duties.

13.0 ENVIRONMENTAL IMPLICATIONS

13.1 There are no environmental implications arising from this report. The consultation has been carried out generally through electronic means where possible and the draft document was also available electronically.

13.2 The Statement of Principles (Policy) when approved will be available to download from the Councils website.

14.0 EQUALITY OF OPPORTUNITY IMPLICATIONS

14.1 There is no equality of opportunity implications arising from this report. An Equality of Impact Assessment has been prepared and retained.

14.2 Part 6 of the document in relation to Equality, Disabled People, Racial Equality and Sexual Equality has been written in consultation with the Equalities Team.

15.0 REASONS FOR RECOMMENDATIONS

15.1 To comply with the Council's statutory obligations and in doing so promote the Council's strategic objectives and vision.

16.0 RECOMMENDATIONS

16.1 That Cabinet approve the Statement of Principles (Policy) for referral to Full Council on 5th December 2012.

Simon Green
Executive Director Place
October 2012

Appendix 'A'

List of Persons / Bodies Consulted - 2012

Responsible Authorities

Sheffield Safeguarding Children Board
Environmental Protection Service (Noise Nuisance)
Head of Planning
Health Protection Service (Health & Safety)
South Yorkshire Fire and Rescue
South Yorkshire Police
The Gambling Commission
The Navigation Authority
The British Waterways Board

Other Local Authorities in the Region

Barnsley Metropolitan Borough Council
Doncaster Metropolitan Borough Council
Rotherham Metropolitan Borough Council

Solicitors

DLA Piper Rudnick Gray Cary UK LLP
John Gaunt and Partners
Popleston Allen
Ford and Warren
Gosschalks
Law Society
Maitland Walker
Irwin Mitchell
Hickmotts
Ashton Morton Slack
HLW Commercial Lawyers

Sheffield City Council Contacts

Brian Messider, Access Officer
Community Assemblies
Sheffield Schools
Sonia Sharp, Executive Director, Children and Young People
Sheffield City Council Councillors

Gambling Industry Contacts

Amusement Caterers (Sheffield) Limited
British Association of Leisure Park, Piers and Attractions
Casino Machines Manufacturers Group (CMMG)
Gamblers Anonymous
Independent Bookmakers Association (IBA)
Racecourse Promoters Association (RCPA)
Rails Bookmakers Association Ltd
BBPA Midland Counties
Northern Bookmakers Protection Association
Association of British Bookmakers

Betting Exchange Trade Association
Bingo Association
British Amusement Catering Trades Association (BACTA)
British Beer and Pub Association
British Casino Association
Casino Operators Association (COA)
GamCare
National Association of Bookmakers
British Beer and Pub Association
Scottish Beer and Pub Association

Local Members of Parliament

Angela Smith
Meg Munn
Nick Clegg
Clive Betts
Richard Caborn
David Blunkett

Religious Contacts

Central United Reformed Church
Father D Sexton, Parish Priest, Cathedral Church of St. Marie
Diocesan Secretary
The Right Reverend Jack Nicholls, The Bishop of Sheffield
The Very Reverend Peter Bradley. The Cathedral Church of St. Peter and St. Paul
St John The Baptist C Of E Church

Others

Chamber of Commerce
CIU
Sheffield Drug, Alcohol Action Team
Sheffield Licence Watch
South East Sheffield Citizens Advice Bureau
Institute of Licensing
South Yorkshire Ambulance Service
The Navigation Authority
Weights and Measures Authority
Yorkshire Forward
Casinos / Operators
Betting Offices / Operators
Tracks / Pool Betting Licence Holders
Bingo Hall / Operators
Premises Licence Holders
Club Premises Certificate Holders
Holders of Small Lotteries Registrations
Sheffield First Partnership
The Law Society
Primary Care Trusts
Scouts Association
Chairman of BETA
Betfair

Appendix 'B'

Consultation Comments Received

No.	Name	Organisation / Details		Overview of comments	Type of comment	Have comments been included?
1	Phil Lowther	Director of Compliance The A & S Leisure Group	1	To bring the statement into the present tense.	Amendments and proposed additions	1. Yes - The revised policy has already been amended to this
			2	To include summaries of the mandatory and default conditions for the various gambling sectors.		2. No - Reference is made to both type of conditions throughout the policy and full details can be found in the Regulations.
			3	To include brief summaries of 'primary purpose' for each gambling sector.		3. Reference to primary purpose has been added at 7.1.8 which covers all gambling sectors.
2	Victoria Beauchamp	Rivelin Primary and Nursery School	1	To make clearer when the returns following a raffle is required to be submitted to the Licensing Authority.	Proposed additions	1. Yes – This has been included in our revised policy at section 5.9.11.
3	Julie Hague	Sheffield Safeguarding Children Board (Responsible Authority)	1	Updated information regarding issues of children and vulnerable persons throughout the document.	Amendments and proposed additions	Yes

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