



SHEFFIELD CITY COUNCIL Committee Report

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Report of: Chief Licensing Officer, Head of Licensing

Date: 26th July 2012

Subject: Gambling Act 2005
Statement of Principles (Policy) Approval

Author of Report: Shimla Rani - 2037752

Summary: To inform members of the results of the consultation process recently undertaken; and to notify members of the changes made and seek approval from the Licensing Committee on the draft revised Statement of Principles (Policy) written by the Licensing Authority in accordance with section 349 of the Gambling Act 2005 (the 2005 Act).

Recommendations: That Members of the Licensing Committee approve the revised Statement of Principles (Policy) document with any amendments they feel necessary and refer the matter to Cabinet for approval.

Background Papers: Revised Statement of Principles (Policy) which will be forwarded by email to all Members.

Category of Report: OPEN

REPORT OF THE CHIEF LICENSING OFFICER, HEAD OF LICENSING TO THE LICENSING COMMITTEE

Ref: 60/12

GAMBLING ACT 2005 DRAFT STATEMENT OF PRINCIPLES (POLICY) APPROVAL

1.0 PURPOSE OF REPORT

- 1.1 To inform members of the results of the consultation process recently undertaken.
- 1.2 To notify members of the changes made and seek approval from the Licensing Committee on the draft revised Statement of Principles (Policy) written by the Licensing Authority in accordance with section 349 of the Gambling Act 2005 (the 2005 Act).

2.0 BACKGROUND

- 2.1 Members will remember that a consultation report was presented at the Licensing Policy meeting held on the 31st May 2012.
- 2.2 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.”
- 2.3 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.
- 2.4 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.
- 2.5 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

3.0 CONSULTATION

- 3.1 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.
- 3.2 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."

3.3 Approximately 2,600 letters and emails (where possible) regarding the consultation have been sent out. A list showing the type of consultee's is attached at Appendix 'A' this list is not exhaustive.

3.4 The letters and emails have included a link to our website where the draft Statement of Principles (Policy) can be viewed www.sheffield.gov.uk/gamblingpolicyupdate. Consultee's had the option of contacting the Licensing Service for a hard copy of the Policy if they do not have internet access, a hard copy was also available in the Town Hall, First Point for Business, Howden House and the Central Library.

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

4.0 AMENDMENTS TO THE STATEMENT OF PRINCIPLES (POLICY)

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

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

4.3 An electronic copy of the updated revised Statement of Principles (Policy) with track changes of the amendments have been forwarded to all Committee Members prior to this meeting for their information.

5.0 WHAT DOES THE POLICY DEAL WITH

5.1 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 | |

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

- 5.3 The policy sets out how the Licensing Authority intends to deal with applications etc. under the Gambling Act and is also a guide to applicants, residents, responsible authorities, interested parties and the Licensing Committee.
- 5.4 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.
- 5.5 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.

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

6.1 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 Executive Management Team (EMT) | - September 2012 |
| • Report to Leadership EMT | - October 2012 |
| • Report to Cabinet | - November 2012 |
| • Report to Full Council | - December 2012 |

7.0 WHAT THE POLICY DELIVERS

- 7.1 The Statement of Principles (Policy) recognises the need of residents within the city for a safe and healthy environment, in which people want to live, learn, work, invest and visit. Also ensure licensees understand the importance of safe well run premises.
- 7.2 The document recognises the need to protect Children and the Vulnerable from gambling addiction etc. The Licensing Service is working closely with the Safeguarding Children Service and GAMCARE.
- 7.3 Whilst promoting inclusive, vibrant, safe and strong communities and supporting small businesses the Licensing Service will work closely with external partners to support the improvement of public health and wellbeing.
- 7.4 The revision of the document means that we can improve the content and design in a way that assists us in achieving our vision of “Doing the right things and doing things right, for our customers and the City, making Sheffield a Great Place to be”.
- 7.5 The work we are doing fits with many of our service objectives;
- Effective – customer satisfaction
 - Equitable – provision to all without disadvantaging anyone
 - Empowering – engaging customers and involving them
 - Enabling – helping make things happen

And also our design principles;

- Collaboration – working with customers, partners and other stakeholders
- Responsiveness – listening and acting in a timely fashion
- Openness – transparent and accountable
- Flexibility – making it easier for customers
- Learning – listening / learning and improving overtime

7.6 The overarching benefits are that the new Policy will assist in achieving the Place core strategic outcome of “Making Sheffield a Great Place to Be”.

By supporting the following 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

8.0 FINANCIAL IMPLICATIONS

8.1 The work on the revision of the Statement of Principles (Policy) has been undertaken within the current resources of the Licensing Service.

9.0 OPTIONS OPEN TO THE COMMITTEE

9.1 That Members of the Licensing Committee approve the revised Statement of Principles (Policy) document.

9.2 That Members of the Licensing Committee make further amendments to the document before approving the revised Statement of Principles (Policy) document.

10.0 RECOMMENDATIONS

10.1 That Members of the Licensing Committee approve the revised Statement of Principles (Policy) document with any amendments they feel necessary and refer the matter to Cabinet for approval.

Stephen Lonnia,
Chief Licensing Officer
Head of Licensing
Business Strategy and Regulation
Place Portfolio
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Sheffield
S9 3HD.

4th July 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
TSE International Ltd

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	<p>1 To bring the statement into the present tense.</p> <p>2 To include summaries of the mandatory and default conditions for the various gambling sectors.</p> <p>3 To include brief summaries of 'primary purpose' for each gambling sector.</p>	Amendments and proposed additions	<p>1. Yes - The revised policy has already been amended to this</p> <p>2. No - Reference is made to both type of conditions throughout the policy and full details can be found in the Regulations.</p> <p>3. Reference to primary purpose has been added at 7.1.8 which covers all gambling sectors.</p>
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)	Updated information regarding issues of children and vulnerable persons throughout the document.	Amendments and proposed additions	Yes