

METROPOLITAN BOROUGH OF WIRRAL

LICENSING ACT 2003 COMMITTEE - 7 NOVEMBER 2006

REPORT OF THE DIRECTOR OF REGENERATION

DRAFT STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to seek Members approval of the Draft Statement of Principles under The Gambling Act 2005 in order that it may be presented to Council for approval on 18 December 2006.

1.2 Members are also requested to agree that the Director of Regeneration be given delegated authority to amend the draft document prior to its presentation to Council should this become necessary as a result of the publication of statutory regulations, codes of practice or guidance.

2.0 BACKGROUND

2.1 Under the Gambling Act 2005 a new regime for regulating gambling and betting will come into effect from 1 September 2007.

2.2 Wirral Borough Council will become the Licensing Authority responsible for granting premises licenses in the Borough of Wirral in respect of:

- Betting premises, including tracks
- Bingo premises
- Family entertainment centres
- Adult gaming centres
- Casino premises

2.3 The Licensing Authority will also have responsibility for certain gaming machine permits, temporary use notices and occasional use notices, as well as the registration of small society lotteries.

2.4 The Gambling Act 2005 requires the Council to prepare and publish a statement of Licensing Principles that the Authority will apply when considering applications under the Act. The deadline for the publication of this statement is 3 January 2007.

2.5 This statement of Principles has been drafted, by necessity at a time when a number of statutory regulations, codes of practice and guidance have not been published by the Government. Should anything in these documents, when published, impact on the content of this draft document, appropriate amendments can be made prior to final publication.

2.6 This draft statement of Licensing Principles, attached as Appendix 1, has been prepared having regard to the provisions of the Gambling Act 2005 and the Guidance issued by the Gambling Commission.

2.7 The draft Statement of Principles has been consulted upon. A list of consultees is attached in Appendix 2.

- 2.8 The consultation period closes on 6 November 2006.
- 2.9 To date there have been three responses in respect of the draft document. Copies of the responses received will be available at the meeting.
- 2.10 The response of the Rank Group Gaming Division describes measures it has taken to comply with The Gambling Act 2005. It contains no suggested amendments but advises that further documents are still to be issued by the Gambling Commission and may necessitate further alteration of the Policy.
- 2.11 The Association of British Bookmakers states that “the bookmaking industry has been extremely successful at policing itself” and that “bookmakers have given rise to no or few regulatory concerns.” The response then suggests that the policy should include some specific statements in relation to:
- i) Door supervision – to be a requirement only on the basis of clear evidence.
 - ii) Betting machines – the number and use of betting machines to be regulated on the basis of evidence and that account be taken of the ability of staff to monitor use from the counter.
 - iii) Re-siting of facilities applications – the policy to positively encourage or give sympathetic consideration to re-siting of premises within the same locality and extensions to enhance facilities
 - iv) Enforcement – where bookmakers have a number of premises in an area operators are requested to give a single point of contact to the authority.
- 2.12 In respect of the points made concerning regulation based upon evidence (door supervisor, betting machines) an amendment is not recommended as the point is implicitly covered within the licensing authority’s principles in 6.2 of the Policy.
- 2.13 In respect of iii), re-siting applications no alteration to the Policy is recommended since every application will need to be judged upon its own merits.
- 2.14 The suggestion that a single point of contact be provided for operators of multiple premises is a practical suggestion. However, it is recommended not to include this in the Policy but leave the point open so as to account for individual circumstances.
- 2.15 The British Amusement Catering Trades Association makes a number of general points in relation to regulation under The Gambling Act 2005 but makes no specific amendments.
- 2.16 There have been no amendments to the draft statement in the light of these comments. Should there be any further comments received they shall be reported to the meeting on 7 November 2006.

3.0 FINANCIAL AND STAFFING IMPLICATIONS

- 3.1 Financial and staffing costs arising from the consultation process have been met from existing budgets.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 4.1 There are no equal opportunities implications arising out of this report.

5.0 HUMAN RIGHTS IMPLICATIONS

5.1 There are none arising directly from this report.

6.0 LOCAL AGENDA 21 IMPLICATIONS

6.1 There are no Local Agenda 21 implications arising out of this report.

7.0 PLANNING IMPLICATIONS

7.1 There are no planning implications arising out of this report.

8.0 LOCAL MEMBER SUPPORT IMPLICATIONS

8.1 This report affects the entire Borough

9.0 BACKGROUND PAPERS

9.1 Draft Statement of Principles (Appendix 1)

9.2 List of Consultees (Appendix 2)

9.3 Responses to Draft Statement of Principles (Appendix 3)

10.0 RECOMMENDATIONS

10.1 That the Draft Statement of Licensing Principles be approved as a Draft to be considered by Council on 18 December 2006 for approval as the Statement of Principles to be applied under The Gambling Act 2005.

10.2 That the Director of Regeneration be granted delegated authority to amend the draft document prior to its presentation to Council should this become necessary as a result of further comments received or the publication of statutory regulations, codes of practice or guidance.

Alan Stennard
Director of Regeneration

This report was prepared by Margaret O'Donnell who can be contacted on 691 8606