

**GAMBLING ACT 2005 – STATEMENT OF GAMBLING LICENSING POLICY
2010-13**

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1 Purpose

To consider the Council's second Statement of Gambling Licensing Policy for Milton Keynes as required by the Gambling Act 2005. It will cover the period of 2010-13.

2 Recommendation

- 2.1 That Milton Keynes Council, as the Licensing Authority under the Gambling Act 2005, endorses the second version of the Policy as set out in the attached Annex.

3 Issues and Choices

- 3.1 The Gambling Act 2005 has provided a deregulatory approach to gambling in England and the opportunity for 16 new casinos. The Licensing Authorities are required to have regard to published guidance from the Gambling Commission. The principle aim is to enable the local authority in its role as the Licensing Authority to ensure that the local gaming market is adaptable to both traditional and novel ways of gambling.

The national licensing objectives set out in the Act 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 being conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited from gambling.

The Gambling Commission licences operators of gambling premises and the manufacturers of gaming equipment etc. Local authorities are responsible for licensing the premises used for gambling

- 3.2 The Council as the Licensing Authority under Section 349 of the Act is required to have in place a published Statement of Gambling Licensing Policy by the 31 January 2010. Since June 2009 considerable effort has been made to refresh and consult upon the draft 2010-13 policy document that includes the detail of licensing a large casino in Milton Keynes.

The 2010-13 draft policy was agreed by the Licensing Committee on the 11 November 2009 and is now presented to Full Council for endorsement so that the statutory timescale can be met.

- 3.3 The policy sets out the Council's general approach, as a Licensing Authority and how it will exercise its functions under the Gambling Act 2005. The Council will seek to regulate gambling in the public interest, eliminate unlawful discrimination and will seek to promote equality and good relations between all persons, having particular regard to human rights. The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.
- 3.4 The policy goes into detail in respect of the application processes for the casino licence and makes relevant comments on the other licences and permits issued under the different categories of gambling that come within the scope of the Council as the Licensing Authority.
- 3.5 The draft document was issued to approximately 300 local, regional and national consultees as well as being available to download from the Council's web site. Ten responses have been received; two from legal practices acting for casino operators advising of matters that required some re-drafting.
- 3.6 The Policy will be valid for a three-year period from 31 January 2010 until 30 January 2013. It can be amended at any time if the need arises and should be reviewed annually; Full consultation (minimum 12 weeks) should take place before its expiry date. A copy of the recommended Milton Keynes Council - Statement of Gambling Licensing Policy 2010-13 is annexed
- 3.7 The Government and the Gambling Commission have acknowledged that elected Members should have the opportunity to pass comment upon applications for licences and permits under the Gambling Act 2005 as they represent the locality where the premises, which are the subject of the application, are situated. The policy contains a decision-making matrix outlining the responsibilities of the Full Council, Licensing sub-committee and officers.

4 Implications

4.1 Resources

Local Authorities have historically undertaken work in respect of gambling in certain premises. Due to the Licensing Act 2003, the Council and its partner Mouchel increased the business support staffing the licensing team to deal with the demand. If necessary, an additional resource can be provided to deal with the workload involved with the casino premises licence and its two stage process. The casino licence application fees will cover all anticipated costs.

The gambling licence fees (maxima) are set by statute or the Secretary of State. However administering the Gambling Act 2005 should be cost neutral.

4.2 Legal

In order that the Licensing Authority cannot be challenged at a later date. The Milton Keynes Council Statement of Gambling Licensing Policy resolved by the Licensing Committee on 11 November 2009 requires endorsement by Full Council on 8 December 2009. These arrangements will demonstrate to the Department for Culture, Media and Sport that Milton Keynes Council as the Licensing Authority has in place a properly published Statement of Gambling Licensing Policy for the period 31 January 2010 to 30 January 2013

Background Papers:

LACORS Statement of Principles Template.

Gambling Commission's Guidance to Local Authorities – May 2009

Milton Keynes Council Statement of Gambling Licensing Policy (final draft)

Gambling Act 2005