

---

**MANCHESTER CITY COUNCIL  
REPORT FOR RESOLUTION**

**COMMITTEE:** Licensing Policy Committee  
**DATE:** 6 July 2009  
**SUBJECT:** Revised Gambling Act Policy 2010-2012  
**REPORT OF:** Head of Street Management and Enforcement

---

**Purpose of the report**

To present the Committee with a draft statement of our revised Gambling Act policy and inform them of the method of consultation we propose to implement.

**Recommendation**

Members are asked to note the contents of the report and agree the attached draft policy for consultation in accordance with the consultation strategy outlined in the report.

**Financial Consequences for the Revenue Budget**

None.

**Financial Consequences for the Capital Budget**

None

**Contact Officers**

Fiona Sharkey, Head of Regulatory & Enforcement Services    Tel No: (800) 1599  
Email: [f.sharkey@manchester.gov.uk](mailto:f.sharkey@manchester.gov.uk)

Jenette Hicks, Licensing Unit Manager    Tel No: (800) 4962  
Email: [j.hicks1@manchester.gov.uk](mailto:j.hicks1@manchester.gov.uk)

Fraser Swift, Principal Licensing Officer    Tel No: (800) 1176  
Email: [f.swift@manchester.gov.uk](mailto:f.swift@manchester.gov.uk)

**Background Documents**

Manchester City Council Gambling Policy Statement 2006-2009  
Gambling Act 2005  
Guidance issued to Licensing Authorities (3<sup>rd</sup> Edition)  
Licence Conditions and Codes of Practice (October 2008)

### **Wards Affected**

City Wide

### **Implications for**

<b><u>Anti-Poverty</u></b>	<b><u>Equal Opportunities</u></b>	<b><u>Environment</u></b>	<b><u>Employment</u></b>
----------------------------	-----------------------------------	---------------------------	--------------------------

No

No

No

Yes

### **Employment Implications**

Well-managed licensed premises with adequate staffing play a key role. In particular premises that provide several activities e.g. food, drink and entertainment bring significant employment opportunities and encourage further investment.

#### **1 Background**

- 1.1 The Gambling Act received royal assent in April 2005 and consolidates regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling in one Act.
- 1.2 The Act established a non-departmental public body – the Gambling Commission – which has responsibility for advising both central and local government on issues relating to gambling. In addition the Gambling Commission has responsibility for issuing Operating Licences and Personal Licences to organisations and individuals who wish to undertake certain activities under the Act.
- 1.3 The City Council has responsibilities under the Act to issue premises licences, permits and temporary use notices in respect of premises where it is proposed that gambling should take place. Additionally the City Council will continue to be responsible for the registration of Small Society Lotteries.
- 1.4 Members will be aware that under the Act the Council, as Licensing Authority, is required to produce a policy every three years setting out how it intends to implement the Act. Our first revision of the policy presents the opportunity to take stock of lessons learned over the last couple of years and ensure robust controls are in place for the next three years.
- 1.5 The Gambling Commission is required by section 25 of the Act to issue Guidance to licensing authorities on the discharge of their functions under the Act. This Guidance was originally issued in April 2006 and deals primarily with matters intended to assist licensing authorities in the development of their gambling policy.

- 1.6 This Guidance has been subject to several revisions, the latest being May 2009, following emerging issues since the implementation of the Gambling Act 2005. The Guidance sets out the principles that must be applied by the licensing authority in exercising its functions under the Act.

## **2 Amendments to our original Licensing Act policy**

- 2.1 Our Gambling Policy Statement allows us to outline the Council's considerations in the determination of applications. The draft revised policy statement is included in **Appendix A**.
- 2.2 Terminology within the revised policy statement has been revised to more clearly define the role of the City Council as the Licensing Authority. As a consequence, the use of the term 'we' is substantially replaced with references to 'the Licensing Authority' or 'City Council'.
- 2.3 The original policy statement 2006-2009 provided clear advice to applicants on the standards expected from gambling premises to promote the licensing objectives. The revised policy statement 2008-2011 refines these steps in having regard to the requirements for operators as laid out in the Licence Conditions and Codes of Practice, as set out by the Gambling Commission.
- 2.4 At the drafting and consultation stage of our original Gambling Policy, the Licence Conditions and Codes of Practice had not been finalised by the Gambling Commission, which has resulted in occasional duplication in respect of requirements set out by Manchester to those required by the Gambling Commission.
- 2.5 Consequently, this revision of the Policy is designed to avoid any duplication with existing regimes, in accordance with the Guidance to Licensing Authorities issued by the Gambling Commission. Typically, gambling operators are subject to regulation by the Gambling Commission and so have established and audited operational business practices. This revised Policy is designed to ensure that this level of regulation is not duplicated. The Policy will ensure that concentration is focused on the potential impact of licensed premises on the city, with regard to the three licensing objectives.
- 2.6 The original policy was entitled: 'A Responsible Approach to Gambling in Manchester'. It is not proposed to amend the title.
- 2.7 The original policy was drafted before premises converted their existing licences for new permissions under the Gambling Act before the Gambling Commission finalised the Licence Conditions and Code of Practice that would apply to gambling operators. As such the original policy included numerous safeguards and expectations of premises that were already addressed by the Gambling Commission. The revised policy focuses on the ongoing responsibilities of licensed premises to proactively uphold the licensing objectives and focuses the expectations of gambling operators in Manchester. Additionally, the policy is designed to better enable the city's residents, businesses and other interested parties to contribute as effectively as possible

in relation to the operation of licensed premises in their area and in understanding how they can express their concerns.

- 2.8 An important part of the original Policy Statement was the considerations in relation to the establishment of the Regional Casino in the city. However as the Regional Casino did not proceed, these policy considerations have been removed.
- 2.9 More detail regarding the proposed changes to the Gambling Act Policy are outlined in **Appendix B**. These have been made to reflect changes in good practice, to emphasise those practices that are considered to be most important in the successful promotion of the licensing objectives and to ensure the Policy is as practicable and effective as possible.

### **3 Consultation Strategy**

- 3.1 The Gambling Act 2005 requires us to consult with various groups before we determine our policy.
- The chief officer of police for Manchester
  - One or more persons who represent the interests of gambling businesses in Manchester
  - One or more persons who appear to represent the interest of persons who are likely to be affected by the implementation of the Gambling Act in Manchester
- 3.2 Above and beyond this, we intend to give the broadest range of people the opportunity to give us their views. We will therefore include:
- The Responsible Authorities who are consulted on Gambling applications in Manchester (Planning, Environmental Health, Child Safeguarding Board, Greater Manchester Fire and Rescue Service, HM Revenue and Customs)
  - Interested parties throughout the City including ward members, MPs, and residents' groups
  - Experts in the promotion of the licensing objectives: those working with children, vulnerable adults, crime and disorder, responsible gambling, problem gambling etc
  - Gambling researchers/specialists
  - All gambling premises in Manchester
  - Trade Associations
  - Faith and community groups
- 3.3 Wherever possible we will write directly to these parties enclosing a series of questions to prompt responses. We will also make copies of our policy and feedback forms available on our website at [www.manchester.gov.uk/licensing](http://www.manchester.gov.uk/licensing) as well as at public access points such as libraries.
- 3.4 Articles will be placed in all available Council newsletters such as Manchester People, Cascade as well as Ward newsletters and external media.

- 3.5 The attached draft policy has been prepared for public consultation. Subject to approval by the Licensing Policy Committee a 12-week public consultation will start on 20 July and end on 11 October. The final policy taking account of consultation responses will then require the approval of full Council by the end of this year.

#### **4 Recommendations**

- 4.1 Members are asked to note the contents of the report and agree the attached draft policy for consultation in accordance with the consultation strategy outlined above.