

# REPORT TO COUNCIL

**REPORT OF:** Councillor Nick Craft. Executive Member, Environment

**REPORT NO:** CSL/102

**DATE:** 17<sup>th</sup> November 2016

<b>TITLE:</b>	<b>Gambling Act Statement of Principles 2017- 2020</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Policy Framework	
<b>EXECUTIVE: NAME AND DESIGNATION:</b>	Councillor Nick Craft Executive Member, Environment	
<b>CONTACT OFFICER:</b>	Mark Jones – Business Manager Neighbourhoods <a href="mailto:m.jones@southkesteven.gov.uk">m.jones@southkesteven.gov.uk</a> 01476 406297	
<b>INITIAL IMPACT ANALYSIS:</b>  <b>Equality and Diversity</b>	Carried out and not applicable  This is national legislation, deemed to comply with equality requirements	Full impact assessment Required: No
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Gambling Commission Policy Statement Guidance March 2015:- <a href="http://www.gamblingcommission.gov.uk/pdf/GLA5---March-2015.pdf">http://www.gamblingcommission.gov.uk/pdf/GLA5--- March-2015.pdf</a>	

## **1. RECOMMENDATIONS**

- 1.1 That the revised policy (Statement of Principles Gambling Act 2005) be adopted.

## **2. PURPOSE OF THE REPORT**

- 2.1 To provide members with the background information in relation to the revision of the Gambling Statement of Principles and seek approval to adopt as per the recommendation above.

## **3. DETAILS OF REPORT**

- 3.1 The Gambling Act 2005 became law on 1 September 2007 and modernised the law on gambling, introducing a new regulator for gambling – the Gambling Commission. It also introduced new licensing functions for local authorities, which include premises licences for casinos, bingo halls, adult and family entertainment centres and permits for gaming machines in public houses and other alcohol licensed premises.
- 3.2 Section 349 of the Gambling Act requires licensing authorities to produce a “statement of the principles that they propose to apply in exercising their functions”, applicable to a three year period.
- 3.3 The current Policy is now due to be reviewed and re-published by January 2017.

## **4 INFORMATION**

- 4.1 Section 1 of the Gambling Act 2005 sets out the Licensing 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 way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority must exercise its functions so as to be reasonably consistent with the licensing objectives.

- 4.2 Section 2 of the Gambling Act 2005 defines the Council as the Licensing Authority. The determination and publication of the gambling Statement of Principles is a matter for the full Council.
- 4.3 Section 153 of the Act requires that the Licensing Authority, in exercising its functions under the Act shall aim to permit the use of premises for gambling in so far as the authority thinks it is:

- in accordance with any codes of practice and guidance issued by the Gambling Commission,
  - reasonably consistent with the licensing objectives and
  - in accordance with the Policy published by the authority.
- 4.4 Section 349 of the Act requires the Council to consult on, publish and adopt a statement of principles for the area, which is subject to three yearly reviews from the first appointed day, namely 14 January 2014. The Gambling Statement of Principles is now due to be revised to cover the next successive three year period, January 2017 to January 2020.
- 4.5 Section 349(3) of the Act requires the Licensing Authority to consult the following on its statement of principles or any subsequent revision:
- The Chief Officer of Police
  - 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
  - One or more persons who appear to the Authority to represent the interest of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 4.6 The list of persons to be consulted when preparing the Statement of Principles is deliberately wide. This enables Licensing Authorities to undertake a comprehensive exercise with anyone who may be affected by, or otherwise have interest in, the Policy.
- 4.7 The draft of the proposed revised Statement is attached as Appendix 1. The Statement has been amended in accordance with the guidance issued by the Gambling Commission. In essence, the Statement remains the same and only changes made by legislation (*including agreed suggested amendments following consultation*), as highlighted in red and changes to enhance clarity as highlighted in blue, have been added.
- 4.8 The main change within the Statement relates to the Licensing Authority's expectations of applicants in terms of risk assessments and the provision of information on application of premises licences, applications to vary an existing premises licence or otherwise on request. The fundamental themes of the Statement remain unchanged.
- 4.9 An updated Statement under the Gambling Act 2005 has been put out for consultation to interested persons/organisations and to all Members of the Licensing Committee. The updated Statement was also placed on the Council's website. Furthermore, at the Alcohol, Entertainment and Late Night Refreshment Licensing Committee on 7<sup>th</sup> October 2016, Members were informed of the expiry of the consultation period and given details of responses received. Members were invited to contact the Licensing team should they wish to seek clarification on any matter contained in the draft Statement or schedule of responses.

- 4.10 The consultation period commenced on 15<sup>th</sup> August 2016 and ended on 25<sup>th</sup> September. One response was received and a schedule detailing the comments in the response as well as an appraisal and recommendation is attached as Appendix 2.

## **5. OTHER OPTIONS CONSIDERED**

- 5.1 If the Council fails to introduce its reviewed Gambling Statement of Principles by January 2017, it cannot function as the Licensing Authority under the Gambling Act 2005.

## **6. RESOURCE IMPLICATIONS**

- 6.1 The cost of the review and the subsequent implementation of the revised Statement of Principles will be met within existing budgets.

## **7. RISK AND MITIGATION**

- 7.1 Risk has been considered as part of this report and any specific high risks are included in the table below:

<b>Category Risk</b>	<b>Action / Controls</b>
Failure to review and adopt document within statutory timescale (3 Years)	Project plan developed based on significant milestones (development, consultation, adoption)

## **8. ISSUES ARISING FROM IMPACT ANALYSIS**

- 8.1 The proposed Statement provides guidance to licence applicants, and also to residents and businesses likely to be affected by the licensing process, or by licensed premises and activities.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 None arising directly from this report, but the Act does require a licensing authority to carry out its functions so as to be reasonably consistent with the three licensing objectives, one being: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

## **10. COMMENTS OF FINANCIAL SERVICES**

- 10.1 Any financial implications arising from the formation and adoption of the Policy will be met from existing resources.

## **11. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

- 11.1 Under section 2 of the Gambling Act, district councils are deemed Licensing Authorities for the purposes of gambling in England and Wales. By Section 349 of the Gambling Act and Regulations made there under, the Council is required to publish its Statement of Principles applicable to a 3 year period. Section 154 stipulates that adoption of the Act must be undertaken by full Council and cannot be delegated.

## **12. COMMENTS OF OTHER RELEVANT SERVICES**

- 12.1 None

## **13. APPENDICES:**

Appendix 1: Gambling Act Draft Policy Version- 2017 – 2020  
Appendix 2: Responses to the consultation