

FULL COUNCIL

12th DECEMBER 2018

REPORT OF ASSISTANT DIRECTOR OF STRATEGIC PLANNING & REGULATORY SERVICES

GAMBLING ACT 2005: STATEMENT OF PRINCIPLES

1.0 PURPOSE OF REPORT

- 1.1 To invite members to consider and approve the Gambling Act 2005 Statement of Principles.

2.0 RECOMMENDATIONS

2.1 It is recommended that

- (i) Members note the proposed revisions to the Gambling Statement of Principles at Appendix A, and responses resulting from public consultation between 13th September 2018 and 6th December 2018**
- (ii) Members approve the Gambling Act Statement of Principles at Appendix A to be effective from 31st January 2019**

3.0 KEY ISSUES

- 3.1 Under the Gambling Act 2005 the Council is responsible for preparing a Statement of Principles setting out how it exercises its various responsibilities in terms of issuing premises licences, liaising with the Gambling Commission (a national co-regulator), carrying out its enforcement functions and issuing permits for small-scale gambling such as machines in alcohol-licensed premises and registering small society lotteries. The Council has the legal responsibility to review its Statement of Principles, under the Gambling Act 2005, every three years dating from January 2007. The current Statement ends on 30th January 2019
- 3.2 The Act places a duty on the Council to develop a Statement of Principles that promotes the three licensing objectives:
- 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 conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited.
- 3.3 After consultation, and if approved by Council following consideration of responses, this Statement of Principles would take effect from 31st January 2019.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 If this Statement of Principles is approved all Gambling Act 2005 applications and related matters will be dealt with in the future with reference to this document.

4.2 Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which a policy applies. The Statement must be produced following consultation with the bodies specified in section 349(3) of the Gambling Act. In addition to the legislative requirements, guidance issued by the Gambling Commission sets out certain information that the Commission consider should be included in all licensing authority Statements of Policy.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 There are no financial or other resource implications.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 This policy has been written in accordance with the Council's responsibilities under the Gambling Act 2005.

7.0 COMMUNITY SAFETY

7.1 This Statement of Principles has been written with Crime and Disorder and suitability of location in mind.

8.0 EQUALITIES

8.1 An Equalities Impact Assessment for Gambling Act 2005 is in place

9.0 RISKS

L I K E L I H O O D	A	Very High				
	B	High				
	C	Significant				
	D	Low		1		
	E	Very Low		2		
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4
			IMPACT			

Risk No	Risk Description
1	Legal or other challenge to Gambling Act decisions
2	Reduced ability to satisfy licencing objectives

10.0 CLIMATE CHANGE

10.1 There are no implications for Climate Change.

11.0 CONSULTATION

11.1 Consultation took place in accordance with the Gambling Act 2005 which specifies a wide range of bodies required to be consulted and requirements for publicity.

11.2 The consultation is for a 12 week period which is being advertised between 13th September 2018 and 6th December 2018, following approval of the content of the Statement for the purposes of consultation by Licensing Committee on 10th September 2018.

11.3 Consultees were requested, where possible to provide any responses or comments prior to the 4 December 2018 in order to assist with timetables associated with the presentation of responses to Council; they were advised that comments received after this date but within the twelve week period will still be taken in to consideration prior to adoption of the final policy. As of the date of this report, there have been five responses to this consultation. Any further consultation responses will be reported to Council and any necessary changes will be verbally reported before approval.

11.4 Three responses suggested no amendment and two pointed out a change in legislation which has been amended in item 1.1, 2.2 & 2.5 of the statement (APPENDIX B & C)

12. WARDS AFFECTED

12.1 All Wards

Contact Officer: J Worley / Simon Greensmith / Sarah Flower

Date: 26th November 2018

Appendices: A: Gambling Act – Proposed Statement of Principles
B: Representation received
C: Representation received

Reference : X:\Cttee, Council & Sub Cttees\Licensing & Regulatory Committee & Subs\1. Licensing & Regulatory Committee\2018-19\10.09.2018