

SUBJECT:	Gambling Act 2005 Licensing Statement of Principles – 2015 Revision
REPORT OF:	Interim Director of Services – Anita Cacchioll
RESPONSIBLE OFFICER	Head of Healthy Communities – Martin Holt
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WARD/S AFFECTED	All

1. Purpose of Report

- 1.1 The purpose of this report is to inform Cabinet of the final revised draft Gambling Act 2005 Statement of Principles and to request that it is recommended to Council for adoption to come into effect on 31 January 2016.

RECOMMENDATION

- 1.2 That Council be recommended to adopt the draft Statement of Principles at its meeting on Tuesday 10th November 2015 for publication at least 4 weeks prior to coming into effect for the period 31 January 2016 to 30 January 2019.

2. Reason for Recommendation

- 2.1 The recommendation is in line with the legal requirements for the correct process for the required review and adoption of the Statement of Principles.
- 2.2 The adoption of the revised Statement of Principles is a shared function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and therefore Cabinet must be asked to consider the draft Statement of Principles and to recommend to Council that it be adopted.

3. Content of Report

- 3.1 The report attached in Appendix 1 was presented to the Licensing Committee on 7 October 2015 following the completion of the required consultation and the committee was requested to consider the responses received and whether any changes to the draft Statement of Principles were required.
- 3.2 The Report for Licensing Committee had to be finalised prior to the end of the consultation so that the Statement of Principles could be agreed and adopted within the required timescales. 2 further responses were received following the report being finalised for Licensing Committee. These responses were shared with the Licensing Committee at its meeting on 7 October 2015 so that these could be considered.

4. Summary of additional responses received

- 4.1 Coral Racing Limited responded and stated that they are 'supportive of the document', particularly as it notes that the requirement is that the Council must 'aim to permit gambling where this is reasonably consistent with the licensing objectives, and should not take moral objections into account.
- 4.2 The other response received was from Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB). This response made 2 specific comments on the draft Statement of Principles

- 4.3 The first comment confirmed that all of its operators have no under 18's policies which supported one of the general principles within the Statement which encourages prohibitions from applicants where it was felt that the presence of children would be undesirable or inappropriate.
- 4.4 The second comment from the ABB was that it was felt that a paragraph contained within the Statement that refers to Location as a consideration 'appears to implement a cumulative impact type policy' which, it argues, is against the 'aim to permit' principle of the Gambling Act 2005

5. Decision of Licensing Committee following consideration of responses

- 5.1 The response from Coral Racing Limited was in full support of the Statement of Principles, so no amendments needed to be considered.
- 5.2 The comment from the ABB regarding under 18 did not conflict with the general principles as written in Part B of the Statement of Principles, so no amendment was necessary.
- 5.3 The section on location within the draft Statement of Principles states that 'demand issues cannot be considered' and therefore this section clearly indicates that there is no cumulative impact policy being implemented. The section goes on to clarify that the aspects of a location that would be considered would relate to its siting in a location that may put children or vulnerable people at risk, or lead to potential issues of crime and disorder. This follows the Gambling Commissions Guidance and therefore no changes were considered necessary.
- 5.4 Having considered the revised draft Gambling Act 2005 Statement of Principles and all the comments received in response to the consultation, the Licensing Committee agreed to make a recommendation to Council to adopt the draft Statement of Principles at its meeting on Tuesday 10th November 2015 for publication at least 4 weeks prior to coming into effect for the period 31 January 2016 to 30 January 2019.

6. Links to Council Policy Objectives

- 6.1 The licensing of gambling premises and the adoption of a policy in respect of this activity contributes towards the Council's Corporate Plan Key Theme 1 of 'Thriving Economy' and Corporate Plan Key Theme 3 of 'Safe Communities'. Properly controlling and regulating gambling activities will assist in ensuring that levels of crime and disorder remain low and appropriate well run gambling premises can contribute towards the local economy.

7. Next Step

- 7.1 The next steps will be as stated in the recommendation.

<p>Background Papers:</p>	<p>Gambling Act 2005 and associated Orders and Regulations Gambling Commission Guidance to Licensing Authorities 4th Edition July 2012 and draft 5th Edition March 2015</p> <p>Statement of Principles adopted on 12 December 2006 and reviewed on 15 December 2009 and 10 October 2012</p>
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