

SUBJECT:	Review of Statement of Gambling Principles in accordance with the Gambling Act 2005
REPORT OF:	Director of Services
RESPONSIBLE OFFICER	Head of Healthy Communities – Martin Holt
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WARD/S AFFECTED	All

1. Purpose of Report

1.1 To provide members with a draft copy of the revised Gambling Act 2005 Statement of Principles for consideration.

2. RECOMMENDATION

2.1 The draft Statement of Principles attached at Appendix A be approved for consultation for a period of 12 weeks, commencing in July 2015.

2.2 That it be stated in the draft Statement of Principles that there is no necessity for the Council to make a resolution under Section 166 of the Act not to issue a casino at this time.

2.3 Members note that the results of the consultation exercise will be reported back to Licensing Committee at its meeting on 7 October 2015 for consideration.

2.4 Members note that it is intended to report to Cabinet on 13 October 2015 and then to Council on 10 November 2015 for adoption of the final Statement of Gambling Principles to come into effect 4 weeks after publication.

3. Reasons for Recommendations

3.1 The recommendations above are considered appropriate for the following reasons:

- The revised Statement of Principles must be in place by 31st January 2016 and a consultation period of 12 weeks is recommended in the Gambling Commissions Guidance.
- That the draft Statement of Principles be approved for consultation with only minor amendments in view of little change by way of Guidance and the limited issues arising since the last review and that there has been no change in circumstances regarding casino licences.
- The responses received during the consultation period must be considered by the Committee when making its recommendations to Council.

- This is a shared function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and therefore Cabinet will be asked to consider the recommendations from Licensing Committee and to recommend to Council to adopt the revised Statement with or without modification.

4. Background

- 4.1 The Gambling Act 2005 as amended (“the Act”) contains a regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and Spread Betting.
- 4.2 Section 349 of the Act requires all licensing authorities to prepare and publish a statement of principles that they intend to apply in exercising their functions under the Act. This statement of principles must be published for each successive three year period commencing 31 January 2007, but it can be reviewed and revised by the authority at any time during that three year period.
- 4.3 The Council adopted its first Statement of Principles on 12 December 2006 for the period 31 January 2007 to 30 January 2010 and subsequently adopted revised policies for 3 year periods between 31 January 2010 and 30 January 2013 and 31 January 2013 to 30 January 2016. In accordance with the requirements of the Act a further revised Statement of Principles must now be adopted and published for the period 31 January 2016 to 30 January 2019.
- 4.4 The Gambling Commission is in the process of updating their guidance – the 5th Edition but the advice from the Commission is that this will not be published in time for Local Authorities to take account of it when reviewing their policies for 2016 – however any proposed changes have been considered as part of this Statement review.

5. Discussion

- 5.1 A revised draft Statement of Principles has been prepared by the Licensing team, a copy of which is attached to this report at Appendix 1.
- 5.2 Following Licensing Committee consideration a 12 week consultation exercise will be entered into in accordance with Section 349(3) of the Act and those persons listed in Appendix A of the draft Statement of Principles will be consulted.
- 5.3 Following the completion of this consultation it is intended to report the results back to Licensing Committee on 7 October 2015 for consideration and potential revision of the draft Statement. The draft Statement of Principles will then be recommended for adoption at full Council on 10 November 2015.
- 5.4 The adoption of the Statement of Principles is a shared function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and therefore Cabinet will also be requested on 13 October 2015 to consider the recommendations by the Licensing Committee and to recommend to Council to adopt the draft Statement of principles with or without modification. Once adopted by Council, The Statement of Principles will then take effect 4 weeks after it has been published.

5.5 The proposed changes to the current Statement of Principles are minor and amount to some layout changes and further clarification in some areas. There are no proposed significant changes to policy at this time. Changes to the Statement of Principles are highlighted in Appendix A for information, and summarised below:

- Movement of the Area Profile (including map) into the main part of the document rather than appearing as an appendix. This is due to the Guidance from the Gambling Commission specifying that it be included in the Statement of Principles
- Declaration and details of Licensable Activities made more obvious as these are required to be included in the Statement of Policy and it is important that they are easily identified
- Update regarding the position of the National Lottery Commission which is now part of the Gambling Commission.

5.6 Introduction of Local Area Profiles

5.6.1 There is a significant change proposed within the draft update to the Gambling Commissions Guidance which introduces local risk assessments for operators, and the option for licensing authorities to produce 'Local Area Profiles' (described in para 6.47–6.53 of the draft 5th edition guidance) which can map out local areas of concern with regards to actual and potential risks that would then need to be addressed in any future applications made for new licences.

5.6.2 It is currently considered that given the low relative risk associated with the premises and the low numbers of premises in the district (4 current betting premises), it is not necessary for the district to produce Local Area Profiles at this time. This can be kept under review and if appropriate the Statement could be reviewed and amended at any point during the three year period to allow for a Local Area Profile to be developed. The benefits of such profiles will also be better understood when these are in place for other licensing authorities, where they are considered to be a useful tool.

5.7 Casino Resolution

5.7.1 Members instructions are also requested as to whether a resolution should be made under Section 166 of the Act – not to issue a casino licence. Under this section a local authority (full Council decision required) may resolve not to issue a casino premises licence – such resolution can be for 3 years or less if revoked by further resolution. If a resolution is made it should be published in the Statement of Principles. There is no requirement to consider such a resolution and declining to do so now will not restrict the authority from making a future resolution. If a resolution was to be made however, details about how the authority took the decision must also be included in the Statement of Principles.

5.7.2 When the Statement of Principles was considered by Members in 2006, 2009 and 2012 it was decided not to make a resolution under Section 166 of the Act. As it is still most unlikely any of the permitted casinos would seek to operate in this district officers believe that a resolution at this time is not considered justified or necessary.

6. Consultation

A 12 week consultation will take place and the consultees are listed in Appendix A of the draft statement of principles.

7. Options

The options available to Members are:

- Approve the draft Statement of Principles as attached in Appendix A to go out for consultation.
- Request amendments to be agreed by the Licensing Committee to be made to the draft Statement of Principles prior to consultation.

8. Corporate Implications

The Council receives in the region of £12,000 per year in income from the various types of gambling licences and permits that it issues. The costs associated with the review of the Statement of Gambling Principles are covered within the income received.

9. Links to Council Policy Objectives

There is a link between an effective licensing regime and the Council's policy objective for Safer 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.

10. Next Step

Following the completion of the consultation it is intended to report the results back to Licensing Committee on 10 October 2015 for consideration and potential revision of the draft Statement. Cabinet will then be requested on 13 October 2015 to consider the recommendations by the Licensing Committee and to recommend to Council to adopt the draft Statement of Principles with or without modification. The draft Statement of Principles will then be recommended for adoption at full Council on 10 November 2015. The adopted Statement of Principles will then take effect 4 weeks after it has been published.

Background Papers:	Gambling Act 2005 and orders and regulations made thereunder. Gambling Commission Guidance to Licensing Authorities 4 th Edition July 2012 and draft 5th Edition March 2015. Statement of Principles adopted on 12.12.06 and revised on 15.12.2009 and 30.10.2012.
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