

<b>SUBJECT:</b>	Review of the Council's Gambling Act 2005 Statement of Principles
<b>REPORT OF:</b>	Director of Services – Steve Bambrick
<b>RESPONSIBLE OFFICER</b>	Head of Healthy Communities – Martin Holt
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<b>WARD/S AFFECTED</b>	All

## 1. Purpose of Report

1.1 To provide members with a draft copy of the revised draft Gambling Act 2005 Statement of Principles for consideration and to seek approval to undertake a consultation exercise in connection with the proposed revised draft policy.

### RECOMMENDATIONS

It is recommended that;

1. The draft Statement of Principles attached at Appendix 1 be approved for consultation for a period of 6 weeks.
2. Members note that the results of the consultation exercise will be reported back to Licensing Committee at its meeting on 26 September 2018 for consideration.
3. 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.
4. Members note that it is intended to report to Cabinet on 17 October 2018 and then to Council on 14 November 2018 for adoption of the final Statement of Principles.

## 2. Reasons for Recommendations

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

- The revised Statement of Principles must be in place by 31<sup>st</sup> January 2019 and a consultation period of 6 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.

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- 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.

### 3. Background

3.1 The Gambling Act 2005 requires that local authorities prepare and publish a Statement of Principles for determining applications and that such a policy is reviewed every three years. A review of the Statement of Principles has been undertaken in advance of the required renewal date of 31<sup>st</sup> January 2019 and appended as Appendix 1.

3.2 Once the draft Statement of Principles has been agreed by Members, the guidance recommends a 6 week consultation period. Following this consultation the draft Statement of Principles will again be presented to the Licensing Committee for consideration of any consultation responses and for recommendation to Cabinet for approval and then to Council to be adopted and published.

3.3 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 at this time. Changes to the Statement of Principles are highlighted in Appendix 1 for information, and some of the more notable proposed changes are described below:

- Addition to Part A section 1 relating to minor changes
  - Further wording has been added under the introduction section of the document to allow minor amendments including changes to legislation to be authorised by the Head of Healthy Communities, in consultation with the Chairman of the Licensing Committee. This allows for the process regarding minor amendments to be made to the document quicker and simpler.
- Addition of Part B section 2 on 'Local Risk Assessments'
  - This section has been added to the document following the introduction of the requirement for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises. This requirement came into effect in April 2016 and as such it is deemed appropriate to now provide a section to briefly set out the background and specifics of this obligation.
- Addition of Part B section 2 referring to the 'Local Area Profile'
  - The Gambling Commission have introduced the concept of local area profiles which it describes as an assessment of the local environment that identifies the key characteristics of the area. The completion of a local area profile is not a statutory requirement under the Act but there are distinct benefits for both the Council and gambling operators, in having a better awareness of the local area and risks to the Gambling licensing objectives. In line with guidance from the Commission, a local area profile has been developed and will remain a stand alone document in order to make it easier to adjust as it is deemed appropriate without having to go through the full review process for the Statement of

Principles. The draft local area profile is attached as Appendix 2 and is currently with the responsible authorities for comments. Any comments received will be reported verbally to Members at the meeting.

- 3.4 Regarding the Casino Resolution made under Section 166 of the Act the Council may resolve not to issue casino premises licences. There is no requirement to do so and declining now will not restrict the Council from making a future resolution should it become justified and necessary. When the Statement of Principles was considered by Members as part of all previous reviews, 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.

#### **4. Consultation**

- 4.1 It is proposed that the attached draft Statement be subject to a six week consultation period to enable people to submit any comments on the draft Statement. Comments received during the consultation process will then be reported back to the Licensing Committee for further consideration on 26 September 2018, and then recommended to Cabinet in October 2018 for recommendation to Council in November 2018 with or without further modification for adoption.
- 4.2 The Responsible Authorities will be engaged with directly, as will other known key stakeholders. In addition, the consultation and draft Statement will also be published on the Council's website and advertised via social media.

#### **5. Corporate Implications**

##### **5.1 Legal and Financial**

The revision of the Statement of Principles is a statutory function and must be undertaken every 3 years. The costs in carrying out the revision, including the consultation process, will be covered by the Gambling Act 2005 fees. There will be no income generated by the revision of the existing Policy.

##### **5.2 Equalities Act 2010**

An Equalities Impact Assessment (EIA), in accordance with the requirements of the Equality Act 2010, has been undertaken in connection with the review of the Statement of Principles. The EIA undertaken, a copy of which can be viewed by contacting the Licensing Team, did not identify any adverse equality issues and as a result no further action or mitigation is considered appropriate.

##### **5.3 Other Implications**

A robust Statement of Principles assists the Council in preventing Crime and Disorder, and minimising the negative impact of licensable activities on the local environment. It should encourage good partnership working with Responsible Authorities and other key stakeholders.

#### **6. Links to Council Policy Objectives**

The publication of an effective Licensing policy links to all 3 of the Council's headline objectives:

1. Delivering cost- effective, customer- focused services.
2. Working towards safe and healthier local communities.
3. Striving to conserve the environment and promote sustainability.

## 7. Next Steps

The next steps will be as stated in the recommendations.

<b>Background Papers:</b>	None other than those referred to in this report.
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