

SUBJECT:	Gambling Act 2005 Statement of Principles Review 2018 Consultation Outcome
REPORT OF:	Director of Services – Steve Bambrick
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WARD/S AFFECTED	All

1. Purpose of Report

- 1.1 To advise members of the outcome of the consultation on the revised draft Gambling Act 2005 Statement of Principles (“the draft Statement of Principles”) and for members to consider the responses received so that the draft Statement of Principles can be recommended to Cabinet and Full Council for adoption.

RECOMMENDATION to Cabinet

It is recommended that;

1. All responses to the consultation attached at Appendix 2 be considered by members.
2. That Cabinet approve the draft Statement of Principles attached at Appendix 1 with or without modification.
3. Members recommend to Council to adopt the approved draft Statement of Principles at its meeting on 14 November 2018 for publication at least 4 weeks prior to coming into effect for the period 31 January 2019 to 30 January 2022.

2. Reasons for Recommendations.

- 2.1 It is important that the consultation responses are given due consideration by members and the draft Statement of Principles be amended if appropriate in light of those responses before recommending the draft Statement of Principles to Council for adoption.
- 2.2 The Council has a statutory responsibility to ensure that the Gambling Statement of Principles is reviewed at least every 3 years. For the draft Statement of Principles to be adopted within this statutory timescale, a report recommending its adoption must go to the meeting of the Cabinet on 17 October 2018 and then to Council on 14 November 2018 for adoption of the final draft Statement of Principles.
- 2.3 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 draft Statement of Principles and to recommend to Council to adopt the revised draft Statement of Principles with or without modification.

3. Background

- 3.1 Section 349 of the 2005 Act requires all licensing authorities to prepare and publish a statement of the principles that they intend to apply in exercising their functions under the 2005 Act. This statement of principles will last for a maximum of three years, but can be reviewed and revised by the authority at any time.
- 3.2 The Council published its first Statement of Principles in January 2007 and has subsequently published a revised Statement every three years since, the most recent of which covers the period 31 January 2016 to 30 January 2019. In accordance with the requirements of the 2005 Act a further revised Statement of Principles must now be adopted and published for the period 31 January 2019 to 30 January 2022.

4. Discussion

- 4.1 The Committee considered a revised draft Statement of Principles at its meeting on 21st June 2018 and agreed that the document for formal consultation. This consultation took place for 6 weeks and closed on Thursday 23rd August 2018.
- 4.2 Three responses were received during the consultation period attached as Appendix 2, the first of which was from GamCare advising that although they do not have the resources to comment on an individual Council's Statement of Principles, they have provided some general guidance and information to be considered. No changes are proposed as a result of the information provided by GamCare as the draft Statement of Principles already includes information in accordance with the guidance and information. It is also considered more appropriate to have information and web links on the Council's website to signpost members of the public to organisations such as GamCare.
- 4.3 The second response received was from The Bingo Association which raised concerns with Part B, section 6 of the draft Statement of Principles relating to the number of category B3 gaming machines on bingo premises. The Bingo Association's response is correct in that pursuant to The Gambling Act 2005 (Gaming Machines in Adult Gaming Centres and Bingo Premises) Order 2011, no numerical limit to B3 machines can be imposed. As such it is proposed to remove reference to this from the draft Statement of Principles.
- 4.4 The final response was from Gosschalks Solicitors on behalf of their client, the Association of British Bookmakers. The majority of the response provides some general guidance and information around Statements of Principles to be considered and no changes are proposed as a result of these as these are already adequately addressed in the draft Statement of Principles. The response then comments on some specific areas of the draft Statement of Principles that they feel should be reviewed which are as follows:
- 4.4.1 The response states that the Statement of Principles refers to the Council 'promoting' the licensing objectives, whereas there is no duty for the Council to do so under the Act. Having looked at the sections in which the promotion of the objectives is mentioned, it is not viewed as being inconsistent with the 2005 Act and as such no changes are proposed.

4.4.2 The next comment relates to a new section of the draft Statement of Principles regarding local area risk assessments (Part B, section 2). The draft Statement of Principles proposes a list of factors that the Council expects operators to consider as part of the risk assessment process. The consultation response raises issue with the bullet points relating to areas of deprivation and levels of unemployment. It is suggested that the section of the report is reworded to remove direct references to these matters whilst retaining the essence of what was intended. It is therefore proposed that the bullet points are amended to read:

'The demographics of the area in relation to all groups that could be deemed as vulnerable or more susceptible to problem gambling;'

4.4.3 The response also mentions that some references to the Gambling Commission Guidance need amending following the most recent edition of the guidance being released. All references to the guidance have been checked and amended as required.

4.4.4 It is further proposed that the paragraph titled 'Location' under the premises section of the report is removed from the Draft Statement of Principles as a result of it no longer being necessary in light of the addition of Local Area Risk Assessments and the Local Area Profile.

4.4.5 The response refers to the Conditions and suggests that further information is added to the policy, however it is felt that the sections in the Draft Statement of Principles are sufficient and that any additions would be considered as duplication. This is also the case in relation to the reference to the "Betting premises – including tracks" section of the Draft Statement of Principles.

5. Options

5.1 Members can recommend adoption of the draft Statement of Principles with or without modification having duly considered the responses to the consultation and the recommended amendments to the draft Statement of Principles.

6. Corporate Implications

6.1 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.

6.2 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.

6.3 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.

7. 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.

8. Next Steps

The next steps will be as stated in the recommendations.

Background Papers:	None other than those referred to in this report.
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