

## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Statement of Gambling Principles 2016 - 19</b>
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**AGENDA STATUS: PUBLIC**

**Committee Meeting Date:** 15<sup>th</sup> September 2015

**Directorate:** Customers and Communities

### 1. Purpose

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**The purpose of this report is to:**

Enable the Licensing Committee to consider the Council's Statement of Principles in relation to the Gambling Act 2005 prior to approval for consultation

### 2. Recommendations

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Members are recommended to consider the statement of principles and approve for consultation with the intention of returning to this Committee in early December for approval prior to adoption by Full Council on 25<sup>th</sup> January 2016

### 3. Issues and Choices

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#### 3.1 Report Background

3.1.1 The Gambling Act 2005 passed the responsibility for the licensing of premises used for gambling to local authorities.

3.1.2 Section 349 of The Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act, and in particular the following 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

- Protecting children and vulnerable persons from being harmed or exploited by gambling

3.1.3 The statutory period for the statement is three years. The last statement was approved by the Licensing Committee on 19th January 2013 and came into effect on 31 January 2013 following adoption at Full Council. A new statement must be prepared and published with a view to it coming into effect by 31 January 2016.

3.1.4 The Policy was reviewed in accordance with guidance from the Local Government Association, members of the national licensing policy forum and Gambling Commission guidance.

3.1.5 In the course of preparing the statement the Council is obliged to consult with

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling business in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

3.1.2 If approved today the consultation will run between 21st September and 9<sup>th</sup> November 2012.

3.1.3 The draft statement is attached to this report as Appendix A.

## **3.2 Issues**

3.2.1 A six week consultation is required at the end of which all comments will be assessed and incorporated where necessary

3.2.1 A further report and Policy document will be brought to this Committee on the 1<sup>st</sup> December 2015

## **3.3 Choices (Options)**

3.3.1 To approve the draft reviewed statement that incorporates the most recent guidance issued by the Gambling Commission for consultation.

3.3.2 To request amendments to the reviewed statement prior to consultation

## **4. Implications (including financial implications)**

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### **4.1 Policy**

The reviewed statement reflects the findings from the Gambling Commissions consultation on Social Responsibility.

## 4.2 Resources and Risk

- 4.2.1 Failure to adopt a Statement of Gambling Principles could result in this Authority being challenged by way of Judicial Review

## 4.3 Legal

- 1) The Committee need to be mindful that the three Licensing Objectives are upheld and promoted within the Statement of Gambling Principles.. The principles within the Statement of Gambling Principles must be approved by Council before 31st January 2016

Section 349 Gambling Act 2005 expressly states that a licensing authority shall before each successive period of three years:

(a) prepare a statement of the principles that they propose to apply in exercising their functions under Gambling Act during that period, and

(b) publish the statement

The purpose of this report and accompanying policy is commensurate with the obligations under statute

- 2) (1) Before a statement or revision comes into effect, the authority that prepared it must –

(a) Publish the statement or revision in accordance with paragraph (2) and

(b) Advertise the publication of the statement or revision by publishing a notice in accordance with paragraphs (3) and (4)

(2) The statement or revision must be published by being made available for a period of at least 4 weeks before the date on which it will come into effect

(a) on the authority's internet website and

(b) for inspection by the public at reasonable times in one or both of the following places

(i) one or more public libraries situated in the area covered by the statement or revision;

(ii) other premises situated in the area

(3) The notice referred to in paragraph (1)(b) shall specify –

(a) the date on which the statement or revision will be published;

(b) the date on which the statement or revision will come into effect;

(c) the internet address where the statement or revision will be published in accordance with paragraph 2(a); and

(d) the address of the library or other premises at which the statement or revision may be inspected in accordance with paragraph (2) –

(4) That notice shall be published no later than the first day on which the statement or revision is published in accordance with paragraph (2) –

(a) on the authority's internet website, and

(b) in or on one or more of the following places –

(i) a local newspaper circulating in the area covered by the statement;

(ii) a local newsletter, circular, or similar document circulating in the area covered by the statement;

(iii) a public notice board in or near the principal office of the authority;

(iv) a public notice board on the premises of the public libraries in the area covered by the statement

#### **4.4 Equality**

4.4.1 The purpose of the statement is to assist the licensing authority to exercise its function so as to meet the licensing objectives. A key objective is to protect children and vulnerable adults. No negative equality impact is envisaged as a result of this policy.

#### **4.5 Consultees (Internal and External)**

4.5.1 Legal

#### **4.6 Other Implications**

4.6.1 No other implications have been identified.

### **5. Background Papers**

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5.1. Strengthening Social Responsibility Licence Conditions and Code of Practise  
– Gambling Commission (Apr 2015)

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