

Appendices:
A. Consultation
Responses
B. Table of
Changes



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

25 February 2019

Agenda Status: Public

Directorate: Customers and
Communities

Report Title	STATEMENT OF LICENSING PRINCIPLES IN RESPECT TO GAMBLING 2019 - 2022
---------------------	---

1. Purpose

- 1.1 To seek the adoption of the attached Statement of Licensing Principles in respect to Gambling following the three yearly review required by the Gambling Act 2005 ('the Act').

2. Recommendations

- 2.1 That the Policy attached to this report be approved for publication as the Council's Statement of Licensing Principles in respect to Gambling under section 349 of the Act for the three year period commencing 1 March 2019.
- 2.2 That once approved the Policy is published in accordance with the relevant regulations and as set out at paragraph 3.2.3.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Act passed the responsibility for the licensing of premises used for gambling to local authorities.
- 3.1.2 Section 349 of the Act requires all licensing authorities to prepare and publish a statement of principles they propose to apply in exercising their functions under the Act and in particular the following three licensing objectives:
- Keeping gambling crime free;
 - Making sure that gambling is fair and open; and,

- Protecting children and vulnerable adults.
- 3.1.3 The statutory period for the review of the policy is every three years. The last statement was approved by the Council on 7 March 2016 and came into effect in March 2016. A new statement must be prepared and published with a view to it coming into force on 1 March 2019.
- 3.1.4 A review of the Policy Statement has now taken place and a table of changes is attached as Appendix B.
- 3.1.5 The Act requires the following persons to be consulted regarding the review of the Policy Statement.
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and,
 - 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 Act.
- 3.1.6 Consultation was undertaken between 10 December 2018 and 1 February 2019. Two responses were received, one of these was to correct an error in contact details for one of the consultees and the other was to recommend reference to the LGA guidance which had been considered in the drafting of the statement.. The responses are attached at Appendix A.
- 3.1.7 In Northamptonshire, the outline statement is prepared jointly by all local authorities in the county with specific local information being provided by officers from Northampton Borough Council. The review of the policy took account of guidance provided by the Local Governmental Association and Gambling Commission.

3.1 Decision details

- 3.2.1 The draft Policy Statement, together with the consultation responses received, was considered by the Licensing Committee on 5 February 2019 and recommended for approval by full Council
- 3.2.2 Licensing committee also resolved to retain the existing policy of not adopting a "No Casino" resolution as outlined in section 166 of the Act, noted that the updated policy contains outline guidance for operators on the considerations that should be included in local risk assessments and resolved to write to the Minister with responsibility for gambling to express concern about the low level of funding allocated by central government to prevent gambling from becoming an addiction and/or causing harm.
- 3.2.3 The completed Policy Statement will be published for at least 4 weeks on the Council's website and made available for inspection during office hours at the One Stop Shop in the Guildhall. A Notice will be published in the Northampton Chronicle and Echo giving details of publication of the statement

and where a copy can be viewed. A copy of the notices will also be displayed on public notice boards at the Guildhall.

4. Implications (including financial implications)

4.1 Policy

4.1.1 This policy replaces the existing Statement of Licensing Policy adopted in March 2016.

4.2 Resources and Risk

4.2.1 If a revised Policy is not adopted by 1 March 2019, the authority will be in breach of its duty under section 349 of the Act.

4.3 Legal

4.3.1 When exercising its functions under the Gambling Act 2005 the Council must ensure that it does so in a way that is consistent with the three Licensing Objectives and in accordance with the Statement of Gambling Principles it prepares and publishes under the Act. There are no new enforcement issues to take into account in the proposed revision to the Statement. The principles within the Statement of Gambling Principles must be approved by Council before 1 March 2019 when the previous statement expires.

4.3.2 Section 349 of the Act expressly states that a licensing authority shall, before each successive period of three years:

- (a) prepare a statement of principles that they propose to apply in exercising their functions under the Act during that period; and
- (b) publish the statement in accordance with regulations made under the Act.

The purpose of this report and the accompanying draft policy, and the recommendations are commensurate with the obligations under statute, in particular the Act.

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.

4.5 Other Implications

4.5.1 None

5. Background Papers

5.1 Local Government Association Guidance <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach> and <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

5.2 Gambling Commission Guidance

<https://www.gamblingcommission.gov.uk/PDF/quick-guides/Councillors-guide.pdf>

Marion Goodman
Head of Customers and Communities
0300 330 7000