

Licensing Committee Report
Report of the Licensing Team Leader
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Gambling Act 2005: Statement of Principles 2019-2022

Executive Summary

The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a Statement of Principles every three years. The existing Statement of Principles was published in January 2016 and is due for renewal by January 2019.

A revised Statement of Principles has been prepared and is included in Appendix 1.

The Council has a duty to consult on the proposed policy and officers are seeking approval to conduct the consultation.

Following consultation, a further report will be presented to the Licensing Committee on 28 November 2018 with the results of the consultation and seeking approval to the draft Statement of Principles for adoption at Council on 4 December 2018.

Recommendation to Licensing Committee

That the Committee approves the draft Gambling Act 2005 Statement of Principles 2019-2022 for public consultation, and instructs officers to carry out the consultation over a 12 week period.

Reasons for Recommendation:

To comply with the requirements of the Gambling Act 2005 the Council must prepare and consult on a statement of principles for the period 2019-2022.

To obtain the views of interested parties on the proposed statement of principles and use these views to formulate any changes to the policy.

1. Purpose of Report

- 1.1 The report informs the Committee of the background and proposed statement of principles.

- 1.2 It asks the Committee to approve a public consultation exercise on the proposed statement of principles in Appendix 1.

2. Strategic Framework

- 2.1 The Gambling Act Statement of Principles 2019 -2022 will contribute to our fundamental themes and priorities as follows:

Economy – supporting business, growth and employment

Sustainability – safe borough

- 2.2 The statement of principles balances the right of an applicant to make an application under the Gambling Act 2005 (the Act) and to have the application considered on its merits, against the right of any person to make representation on an application or to seek a review of an existing licence.
- 2.3 An appropriate balance will ensure that gambling businesses are provided with a framework within which to operate whilst providing assurance to the public and protecting children and vulnerable persons.

3. Background

- 3.1 The Council is the licensing authority for the purposes of the Act, which requires the Council to prepare a Statement of Gambling Principles that it proposes to apply in exercising its functions under the Act.

- 3.2 The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the 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 other vulnerable persons from being harmed or exploited by gambling.

- 3.3 The Act was designed to be a light touch piece of legislation covering a wide range of licensable activities such as adult gaming centres and betting premises.

- 3.4 The Act specifies that Local Authorities should “aim to permit” gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by starting out to prevent it altogether.

- 3.5 The current Statement was adopted by Council in December 2015, with the renewal date being January 2019.

4. Proposed changes

- 4.1 There are a number of additions and amendments to the current Statement of Principles, to reflect the update in the Guidance published by the Gambling Commission (5th Edition, September 2015). The amendments to the previous statement are highlighted using track changes in Appendix 2.
- 4.2 There are no changes to the intent or direction of the Policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making.
- 4.3 The draft Policy includes a Local Area Profile for Guildford as endorsed by the latest guidance, which recommends improvement to the approach to gambling licensing and regulation by:
- Increased focus on risk and regulation
 - Greater attention to local area risk, and;
 - Encouragement of partnership and collaboration between stakeholders to mitigate risk
- 4.4 From April 2016, all industry operators have had to undertake local area risk assessments to explore what risks gambling venues pose to the licensing objectives, including the protection of young and vulnerable people. The Local Area Profile, acts as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments.
- 4.5 The Statement includes a large new section on the Council's expectations around operators local risk assessments. This will enable the Council to regulate local gambling more effectively by being able to hold operators to account if their assessments fall short of the Council's expectations.
- 4.6 In November 2017, Licensing Committee decided not to adopt a local area profile following consultation due to concerns over the wording in the accompanying officer report. The draft policy, local area profile and accompanying report have now been reviewed including feedback from the Gambling Commission who endorse the local area profile. Similarly, the policy will be subject to consultation with stakeholders, with any comments received on the draft presented to Licensing Committee on 28 November 2018.

5. Consultation

- 5.1 Consultation is critical to ensure any changes to the Statement of Principles are clear and transparent for businesses, responsible authorities and the public.
- 5.2 The legislation specifies those persons and groups that the Council has a duty to consult with.

5.3 If the Committee approves the proposed Statement of Principles, we will follow our consultation standards over a 12 week period to ensure we consult with all the statutory consultees and will:

- Writing to the chief officer of police
- Publicising the consultation on the Council's website
- Writing to or email the responsible authorities listed in Appendix B of the Statement of Principles
- Writing to or email the consultees listed in Appendix C of the Statement of Principles who are either people representing the interests of persons carrying on gambling businesses or persons who may be affected.
- Using social media to inform the public of the consultation.

5.4 We will then analyse the comments, prepare any changes considered appropriate to the Statement of Principles for final approval and present a further report to the Licensing Committee on 28 November 2018 for recommendation to Full Council on 4 December 2018.

6. Financial Implications

6.1 Under the Act, the Council has the power to recover its costs and set fees and charges at such a level that the licensing process is cost neutral to the Council.

6.2 The financial implications associated with the revision of the Statement of Principles can be financed from the Licensing budget.

7. Legal Implications

7.1 Section 349(1) of the Gambling Act 2005 requires the Council, as licensing authority, to prepare and publish a statement of principles to cover each successive period of three years. Section 349(2) requires the Council to review the statement from time to time, revise the statement if thought necessary as a result of the review and publish the revision before giving effect to it.

7.2 In preparing the statement, the Council must consult the following people for its area:

- a) The chief officer of police
- b) People representing the interests of persons carrying on gambling businesses
- c) Persons who represent the interests of persons who are likely to be affected by the Council exercising its functions under the Act

7.3 Before a statement or revision comes into effect, the regulations require licensing authorities to publish a notice of their intention to publish a statement or revision. The notice must:

- specify the date on which the statement or revision is to be published
- specify the date on which the statement or revision will come into effect

- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected
 - be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect:
 - a local newspaper circulating in the area covered by the statement
 - a local newsletter, circular, or similar document circulating in the area covered by the statement
 - a public notice board in or near the principal office of the authority
 - a public notice board on the premises of public libraries in the area covered by the statement.
- 7.4 Upon recommendation from the Licensing Committee, the revised Statement of Principles will be presented for approval at Full Council on 4 December 2018.

8. Human Resource Implications

- 8.1 26 hours of officer time have been spent reviewing the Gambling Policy, although this does not include time spent by the Council's Development/GIS team updating the Local Area Profile maps.
- 8.2 Provided the draft is approved for consultation, there will not be any additional human resource implications associated with the revision of the Statement of Principles.

9. Conclusion

- 9.1 The Act requires the Council to review its Statement of Gambling Principles every 3 years and requires that we consult on the proposed statement of principles. A review of the Statement has been completed.
- 9.2 Following consultation, a further report will be presented to the Licensing Committee requesting a recommendation to adopt the Statement of Principles at Full Council.

10. Background Papers

[Gambling Act 2005](#)

[Gambling Act 2005 Statement of Principles 2016-19](#)

[Gambling Commission Guidance to licensing authorities 5th edition September 2015](#)

[Gambling Commission Local Authority Bulletin January 2018 Statements of Policy 2019-2022](#)

[Gambling Commission – Participation and Perceptions Report February 2018](#)

[Gambling Regulation: Councillor Handbook – Local Government Association \(2018\)](#)

[Minutes of Licensing Committee 22 November 2017](#)

11. Appendices

Appendix 1: Guildford Borough Council draft Statement of Gambling Principles 2019-2022

Appendix 2: Guildford Borough Council draft Statement of Gambling Principles 2019-2022 with tracked changes from previous version

12. Consultation

Service	Sign off date
Finance / 151 Officer	<i>30 April 2018</i>
Legal / Governance	<i>23 April 2018</i>
HR	<i>27 April 2018</i>
Equalities	<i>27 April 2018</i>
Lead Councillor	<i>4 May 2018</i>
CMT	<i>24 April 2018</i>
Committee Services	<i>17 May 2018</i>