

7 July 2016		ITEM: 5
Licensing Committee		
Review of the Statement of Principles under the Gambling Act 2005		
Wards and communities affected: All	Key Decision: Key	
Report of: Paul Adams – Principal Licensing Officer		
Accountable Head of Service: Lucy Magill – Head of Residents Services		
Accountable Director Steve Cox - Corporate Director of Environment and Place		
This report is: Public		

Executive Summary

The Gambling Act 2005 (the Act) requires all local authorities to produce a statement of the principles, which they propose to apply when exercising their functions under the Act.

The Act also requires that any statement is kept under review and must be re-published at least every three years. The current Statement of Principles is now due for review. This report seeks the views of Members of the Licensing Committee on the proposals before the revised documents go out for public consultation.

1. Recommendation(s)

- 1.1 That the Licensing Committee considers the draft reviewed Gambling Act Statement of Principles as in **Appendix A**, and agrees for public consultation; or
- 1.2 Suggests amendments and or inclusions to the statement for inclusion before public consultation.

2. Introduction and Background

- 2.1 Section 349 of the Gambling Act 2005 (the Act) requires a council, as the licensing authority, to produce, consult upon and publish a statement of the principles (the Statement) it intends to apply when exercising its function under the Act. A licensing authority's function under section 349 may not be delegated by the authority.

- 2.2 This statement must be kept under review and be re-published at least every three years.
- 2.3 The Statement first came into effect in January 2007 and was subsequently reviewed in January 2010 and 2013. The Statement now requires review.

3. Issues, Options and Analysis of Options

- 3.1 The Council as a Licensing Authority is obliged to have a statement of Principles in place. The current Statement's review date was 6th January 2016. The review has been delayed awaiting the publication of a revised guidance for Local Authorities, by the Gambling Commission, which was published in September 2015.
- 3.2 The current statement remains in effect, and will do so until any revision is approved at Council.
- 3.3 The revised draft statement is attached as **Appendix A**
- 3.4 The following points are a summary of the proposed changes to the Statement :

- a) Insertion of information in relation to risk assessments and the publication of a Local Area Profile.

A Local Area Profile is produced by the Licensing Authority, which helps licence holders and prospective licence holders identify elements of the local community which may be vulnerable to gambling activities. These vulnerabilities must be addressed by licence holders through their gambling operators risk assessments, which will be a consideration when assessing the suitability of applications.

The Licensing Department is producing a series of maps as the Local Area Profile which will detail where all the currently licensed gambling premises are, where the vulnerable groups are located, which will include groups like schools, addiction clinics, homeless shelters.

It is intended that the Local Area Profile will sit as an appendix to this statement, to allow for it to be refreshed regularly, without the need to review the whole statement.

- b) To incorporate the changes that have been made in relation to lotteries, under the Legislative Reform (Exempt Lotteries) Order 2016, which came into effect on 6th April 2016. The order will enable lotteries to be provided as an incidental activity to another promotion, whether or not the main event is commercial or non-

commercial. The results of incidental lotteries will no longer be required to be made public whilst the event is taking place and will enable lotteries to be used to raise funds for charity.

Private society lotteries will be able to raise funds for any purpose other than for private gain, removing the restriction that funds must be used for the purpose of the society alone. A private society includes any group or society whose main purpose is not connected with gambling, such as a religious group or sports club.

Workplace and residents lotteries will be allowed to be promoted for a purpose other than for private gain, such as raising funds for a charitable purpose.

Some of the details also required to be displayed on a private lottery ticket has been removed.

- c) The Statement has been re-formatted to include additional section and paragraph numbers, for ease of reference.
- d) The annex documentation has been updated to reflect current machine entitlements, procedural changes and other outdated details.

4. Reasons for Recommendation

- 4.1 This policy will require public consultation. The recommendation allows for the Policy to start the public consultation as written, or it allows for revisions or additions to be recommended for inclusion before the public consultation begins.

5. Consultation (including Overview and Scrutiny, if applicable)

- 4.1 No formal consultation has been undertaken so far, following any comments made by the Licensing Committee; this policy will be placed for public consultation on the Councils website, with all local stakeholders written to asking for comments. Details of all stakeholders are provided within the associated statement documentation.
- 4.2 It is proposed that the consultation period will be 8 weeks, which is in line with the government's guidance on consultation.
- 4.3 A final draft statement, along with any comments received will be presented to the Licensing Committee at the next meeting for consideration and referral to Council for adoption.

6. Impact on corporate policies, priorities, performance and community impact

6.1 None

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Finance Officer.

There are no financial implications in relation to this report.

7.2 Legal

Implications verified by: **Chris Pickering**
Principal Solicitor - Litigation & Employment

Following public consultation the revised policy will have to be brought back to this committee for approval before being referred to Full Council for adoption.

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Community Development Officer

The proposed changes to the Statement of Principles include the incorporation of a local area profile that highlights where vulnerable groups are located in efforts to mitigate potential risks through the application process for gambling operators.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix A - Draft reviewed Statement of Principles.

Report Author:

Paul Adams

Principal Licensing Officer