

DEPARTMENT: ENVIRONMENT AND LEISURE

ORIGINATING SECTION : PUBLIC PROTECTION SERVICE

REPORT TO : LICENSING COMMITTEE

30:10:18

TITLE : CONSULTATION ON GAMBLING ACT 2005 – REVISION OF STATEMENT OF POLICY 2019

1. PURPOSE

To inform members of the current consultation being undertaken about the revision of the Gambling Act 2005 Statement of Policy.

2. RECOMMENDATIONS

That members note the report and put forward any recommendations that they may have for inclusion in the revised policy.

3. KEY ISSUES

The Licensing Authority, on behalf of the Council, is currently consulting on a revised Policy Statement for the Gambling Act 2005. A copy of the proposed policy is at appendix 1. This version has been tracked changed to allow the proposed changes from the current policy to be easily identified.

The document is based on a template issued by the Local Government Association. The aim of this is to promote a nationwide consistent approach on Gambling policy.

The Public Protection Service has consulted on a national and local level with businesses and organisations affected by the policy. The residents of the Borough have been consulted via the Council's website and through Resident Associations. A full list of consultees is included as Appendix A of the Draft Policy Statement.

The consultation is being undertaken from 3 September to 14 November 2018.

4. RATIONALE

The Council is required to publish a Statement of Licensing Policy under the Gambling Act, which is a statement of principles that the Licensing Authority must consider when determining a Premises Licence application. This policy must be reviewed every three years and the next date for agreement of the policy is January 2019.

The Statement of Licensing Policy is a comprehensive document which defines the principles in exercising:

- The powers to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm
- The powers to determine whether a person is an interested person in relation to a premises licence, or an application for or in respect of a premises licence.
- The functions with respect to the exchange of information between the

Licensing Authority and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between the Licensing Authority and other persons listed in schedule 6 to the Act.

- The principles to be applied by the Licensing Authority in exercising the functions under part 15 of the Act with respect to the inspection of premises and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The current Statement of Policy was agreed in 2016. The proposed changes to this Statement are shown clearly in the draft at Appendix 1. In addition to amendments of contact details and titles of legislation the main change is on page 12. This incorporates the requirement, introduced in April 2016, for operators of gambling premises to carry out a local risk assessment of the impact of the provision of gambling facilities in the area on the licensing objectives.

The licensing objectives are:

- 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.

5. POLICY IMPLICATIONS

Approval of the policy is deemed a key decision and will be considered by full Council at the meeting scheduled for 24 January 2019.

6. FINANCIAL IMPLICATIONS

The financial costs incurred by the consultation and the publication of the revised document will be borne by the fees levied for gambling premises.

7. LEGAL IMPLICATIONS

None.

8. RESOURCE IMPLICATIONS

Existing staff in the Public Protection Service will undertake the associated work in revising and implementing the Statement of Gambling Policy.

9. CONSULTATIONS

As detailed in Key Issues.

10 . CONTACT OFFICER

Donna Riding – Principal Officer - Licensing
Telephone 01254 585004