

Committee: Licensing and Environmental Health

Agenda Item

Date: 25 January 2017

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Title: REVIEW OF GAMBLING ACT POLICY

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Item for decision

Summary

- 1 The council's Licensing Policy under the Gambling Act 2005 was last adopted by full Council on 8 April 2014 and is now due for review. This report is to seek members' views as to whether any alterations are required to the policy prior to the Policy going out for consultation.

Recommendations

- 2 That the committee approves the draft statement of principles under the Gambling Act 2005 annexed to this report as the basis for consultation.

Financial Implications

3. None arising from this report.

Background Papers

- 4 The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

The following papers were referred to by the author in the preparation of this report.

Guidance to Licensing Authorities (5th edition) published by the Gambling Commission September 2015 available at

<http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities.aspx>

Policy's from Braintree, Southend and Thurrock were also used to ensure Essex wide compliance as these have all recently been adopted by Committee.

Impact

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Communication/Consultation	Prior to adopting any revision of the Licensing Policy the authority is obliged to consult the Police, one or more persons who represent the interest of persons carrying on gambling businesses in the authority's area and one or more persons who appear to the authority to represent
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	the interest of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

- 6 The Gambling Act 2005 regulates the gambling industry by a licensing regime that establishes 3 types of licence namely an operating licence, a personal licence and a premises licence. In addition there are provisions for premises to be used on a temporary basis for gambling purposes and also permissions for certain gaming machines.
- 7 The draft proposed statement of principles annexed to this report is substantially similar to the Council's current statement of principles, apart from some minor updating highlighted on the attached draft.
- 8 Operators' licences and personal licences are issued by the Gambling Commission which has overall responsibility for gambling in the UK. The functions of the district council are:
 - Granting premises licences
 - Considering temporary use notices
 - Granting permits for gaming and gaming machines in clubs
 - Regulating gaming and gaming machines in alcohol licensed premises
 - Granting permits for family entertainment centres for lower stake gaming machines.
 - Granting permits for prize gaming.
 - Considering occasional use notices for betting at tracks.
 - Registration of sport society lotteries
- 9 Gambling activity in Uttlesford is limited. At the date of preparing this report we have the following licences issued:
 - Betting premises licences - 6
 - Adult gaming centre premises licences - 3
 - Unlicensed family entertainment centre premises - 9
 - Club gaming machines permits - 10

- Licensed premises gaming machine permit – 1
- Notification of intent to have gaming machines (automatic entitlement to up to 2 category C or D gaming machines on alcohol licensed premises) – 58
- Small Society Lotteries - 106

- 10 In exercising its functions, the council must have regard to the licensing objectives under the 2005 Act which 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 from gambling.
- 11 In addition, the Act requires the authority to exercise its functions under the Act so as to permit gambling.
- 12 The council is also required to have regard to guidance issued by the Gambling Commission. The current Licensing Policy is consistent with the most recent guidance issued by the Commission.
- 13 There have not been any issues of concern with respect to the application of the Councils current Policy statement since its implementation. Furthermore there have been no legal challenges to the Policy.
- 14 From 6th April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, that licensees assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.
- 15 Although there is no Statutory requirement on the Licensing Authority It is considered appropriate that a local area risk assessment profile should be completed for Uttlesford in the future. This is quite a lengthy document and some thought needs to be given to the most appropriate information and how compiled. The initial view is that it should include considerations such as the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children. It is anticipated that further specific recommendations will arise out of consultation, and these will be considered during the compilation of the local area profile. Once compiled this document will be referred to the Licensing Committee for consideration.
16. Apart from the Police it is suggested that letters be sent to all premises licence holders, all town and parish councils and that notice of the consultation be published on our website. A press release would also be issued inviting responses. In view of the fact that no main changes are proposed to the current policy which was subject to wider consultation and that the policy is consistent with the Gambling Commission's guidance, wider consultation is not considered necessary on this occasion.

17. The Gambling Commission is permitting a reduced consultation period as there are only minor changes. A 6 week consultation will comply with that recommendation. The next meeting of the Licensing Committee after the consultation is 12 April 2017. Thereafter this committee would recommend a policy for adoption to the next meeting of Full Council in May 2017.

Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
The Council is under an obligation to review the Gambling Act Policy every 3 years and ensure that the processes are followed in accordance with the legislation and guidance. Failure to achieve the timescale or demonstrate that appropriate consideration has been given to responses received during the consultation process could result in Judicial review.	1	2.	The failure of the Council to give appropriate consultation responses could result in the imposition of sanctions upon the council.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.