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| Committee: | Licensing and Environmental Health Committee | Date: | Wednesday, 27 June 2018 |
| Title: | Statement of Principles Gambling Act 2005 | | |
| Report Author: | Amanda Turner, Licensing Team Leader aturner@uttlesford.gov.uk | Item for decision: | Y |

Summary

- 1 The Council's Statement of Principles under the Gambling Act 2005 was last adopted by Full Council on 16 May 2017 and came into effect on 26 June 2017. The Gambling Commission is now requiring all local authorities to publish a revised Statement of principles to come into force on 31 January 2019. This is irrespective of whether any amendments have been made in the period since 31 January 2016. 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 6 week consultation.
- 3 To consider introducing a local area profile as a separate document to this Policy

Financial Implications

4. None arising from this report.

Background Papers

- 5 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>

Updated draft Policy from Southend –on-Sea Borough Council 2019-2022
Gambling Commission – Licensing authority bulletin Statements of Policy 2019-2022 (provided in January 2018 for information)

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 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

- 7 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.
- 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 the following licences have been issued:
- Betting premises licences - 6
 - Adult gaming centre premises licences - 3
 - Unlicensed family entertainment centre premises - 6
 - Club gaming machines permits - 7
 - 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) – 40
 - Small Society Lotteries - 111
- 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 The draft proposed statement of principles annexed to this report as Appendix A is substantially similar to the Council's current statement of principles, apart from some minor updating highlighted on the attached draft. These changes include:
- Plans
 - Local area profile
 - Casino - not changing but could make resolution
 - Fixed Odds Betting Terminals (FOBT's)
- 14 There have not been any issues of concern with respect to the application of the Councils current Policy statement since its implication. Furthermore there have been no legal challenges to the Policy.
- 15 Although there is no statutory requirement on the Licensing Authority to do so, it is considered appropriate that a local area profile should be completed for Uttlesford in the future, covering the areas of Saffron Walden, Great Dunmow and Stansted. 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. If the Licensing Committee are in agreement to this it will be

produced by Officers and published as a separate document to this Policy and will not form part of it.

16. The Gambling Commissions Licence conditions and codes of practice (LCCP) formalise the need for operators to consider local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In understanding their risk assessment, they must take into account relevant matters identified in the Local Authorities statement.
17. Our Statutory Consultees are Police, Fire, Gambling Commission, Planning, Environmental Health, Child Protection, UDC Licensing Authority & HM Customs & Excise. The Gambling Commission suggests that letters be sent to all these consultees, all premises licence holders, town and parish councils, gambling groups, and the Director of Public Health.
18. The notice of the consultation will also be published on our website. A press release would also be issued inviting responses. In view of the fact that no major changes are proposed to the current policy which was subject to wider consultation only a year ago and that the policy is consistent with the Gambling Commission's guidance, wider consultation is not considered necessary on this occasion.
19. The Gambling Commission is instructing all Local Authorities to revise their statement of principles to come into force on 31 January irrespective of whether any amendments have been made since January 2016. They have not set a mandatory consultation period but as this Policy was only reviewed last year a 6 week consultation is considered appropriate. The intention would be to report the results of this consultation to the scheduled meeting of the Licensing Committee on 12 September 2018. Thereafter this committee could recommend a policy for adoption to the next meeting of Full Council on 4 December 2018 with the Policy coming into effect 31 January 2019.

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 (or when requested by the Gambling Commission) and ensure that the processes are followed in accordance with the legislation and guidance. | 1 | 2. | The failure of the Council to give appropriate consultation responses could result in the imposition of sanctions upon the council. |

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| 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. | | | |
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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.