

Committee: Licensing and Environmental Health

Date:

Title: **STATEMENT OF PRINCIPLES -
GAMBLING ACT 2005**

12 September 2018

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Summary

1. The draft Statement of Principles under the Gambling Act 2005 completed its period of public consultation on 13 August 2018.

The purpose of the report is to request that Members approve the Policy for consideration and adoption by Full Council at the meeting on 4 December 2018 with the Policy coming into effect 31 January 2019.

Recommendations

2. Consider the representations and decide in light of these whether the draft policy should be amended, and recommend to Full Council that the final draft policy be adopted.

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.

Draft Statement of Gambling Policy 2018-21 (showing proposed changes)

Impact

- 5.

Communication/Consultation	The Licensing authority consulted on 2 July 2018 Statutory consultees, the Director of Public Health, all premises licence holders, town and parish Councils, 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
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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 Council's Gambling Policy Statement allows the Council, as Licensing Authority to outline the considerations it will make in determination of Gambling Act applications. This draft Policy was only for minor changes (as the existing policy was recently revised in 2017) therefore subject to a just a 6 week consultation exercise.
7. The public consultation exercise, as approved by the Licensing and Environmental Committee on 27 June 2018 was conducted between 2 July and 13 August 2018. Information was published on the council's website, and letters or emails sent to all statutory consultees, Director of Public Health, all premises & club licence holders, local businesses, gamblers anonymous, all District Councillors and town and parish clerks.
8. One response has been received to the consultation. This was from William Hill stating they did not agree with a full variation being required on the installation of privacy screens around gaming machines – section 22.4 in the draft statement of principles (Appendix 1). The reasons for their concerns are set out in (Appendix 2).
9. Officers' comments in respect of this representation are as follows:
 - a. The Gambling Commission's bulletin of January 2018 advised local authorities to consider including additional detail in their policy statement as to their requirements for plans.

The Gambling Act 2005(Premises Licences and Provisional Statement) Regulations 2007 set out the minimum requirements for the information that is to be shown on the plan. However, it is open to licensing authorities to ask for more detail if they consider that the minimum information would not be enough to satisfy them when trying to determine if the application is in accordance with the licensing objectives, the Guidance and the Commissions' codes of practice (in particular the social responsibility codes) and the statement of policy.

The Commission's guidance at paragraph 7.46 acknowledges that additional detail may be required.

Therefore, paragraph 15.21 of the draft policy now sets out the licensing authority's expectations in terms of the details included on a plan required to accompany an application. The Council expects that plans accompanying applications for licences would show positions of betting terminals, and privacy screens, amongst other things.

- b. With regards draft paragraph 22.4, Officers added the expectation that a full variation would be required where privacy screens were added. This was a result of the additional requirements expected for plans, as set out in draft paragraph 15.21, and revised guidance from the Gambling Commission.

The Gambling Commission's Licence Conditions and Code of Practice state that "facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times". The Gambling Commission issued advice about this in their November 2017 bulletin which is attached as Appendix 3.

Officers considered it would be reasonable for the Licensing Authority to take into account the position of the Fixed Odd Betting Terminals, and whether there are any privacy screens when determining if there is effective supervision of those facilities. If there were any changes to those arrangements, they should also be considered by the Licensing Authority.

The Gambling Commission's guidance in paragraph 7.51 in respect of when a variation application should be made, is that an application should be made if there are material changes to the premises. What constitutes a material change is a matter for local determination, and a common sense approach should be adopted.

The Licensing Authority's starting point is that any alternation to the position of privacy screens, or their addition, is likely to amount to a material change, as it would affect the licensing objectives.

10. A copy of the revised Policy (showing proposed changes) is attached as Appendix 1. Members are asked to approve the revised Policy and recommend to Full Council that it be adopted at the meeting on 4 December 2018 with the new Policy coming into effect 31 January 2019.

Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
The Council is under an obligation to review the	1.	2.	The Council to carry out appropriate

<p>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. Although this policy was only reviewed in 2017, the Gambling Commission have requested all authorities review them again now to fall in line with the date of set date of 31 January 2019.</p>			<p>consultation and reasoned consideration of the responses.</p>
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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.