

# Gloucester City Council

<b>Meeting:</b>	<b>Licensing &amp; Enforcement Committee</b>	<b>Date:</b>	<b>16 June 2015</b>
<b>Subject:</b>	<b>Gambling Act 2005 – Draft Statement of Principles</b>		
<b>Report Of:</b>	<b>Head of Public Protection</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
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<b>Appendices:</b>	<b>1. Draft Statement of Principles</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 The report informs the Committee of the legal requirement to prepare a statement of principles under which the Council will carry out its functions under the provisions of the Gambling Act 2005 (“the Act”) and seeks their approval of the draft Statement of Principles for 2016 – 2019 (Appendix 1) for public consultation.

### 2.0 Recommendations

- 2.1 The Licensing and Enforcement Committee is asked to **RESOLVE** that the draft Gambling Act 2005 Statement of Principles for the period 2016-2019 be approved for the purposes of public consultation over a 10 week period.

### 3.0 Background

- 3.1 The Council is the Licensing Authority for the purposes of the Gambling Act 2005
- 3.2 The Gambling Act 2005 gave effect to the government’s proposals for reform to the gambling law. The Act sets out the regulatory system to govern the provisions of all gambling in Great Britain, other than the National Lottery.
- 3.3 As of September 2007, licensing authorities were granted powers to licence gambling premises within their area as well as undertaking functions in relation to lower stake gaming machines and club and minors welfare institutes. The Act also provides for a new system of Temporary Use Notices. These will authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for limited periods.
- 3.4 The Gambling Act contains three licensing objectives, which underpin the functions that the Gambling Commission and Gloucester City Council will perform. These Objectives are central to the regulatory regime created by the Act. They are:-

- Preventing gambling from being a source of Crime and Disorder.
- Ensuring that gambling is conducted in a fair and open way and;
- Protect children and other vulnerable persons from being harmed or exploited by gambling.

3.5 Section 349 of the Act requires Gloucester City Council to prepare and publish a Statement of Principles that it proposes to apply in exercising its functions under the Act. The statement is a licensing policy which sets out the general approach that will be taken when carrying out its regulatory duties under the Act. This should be kept under review and must be re-published every three years.

3.6 The changes to the current Statement of Principles are minor and amount to some layout changes. There are no proposed significant changes to the Statement of Principles only minor amendments and additions; these can be shown highlighted in grey in the document attached at Appendix 1 and include:

- Movement of the Area Profile Map into the main document rather than it appearing as an appendix.
- Mention of Local Risk Assessments. This is in response to the Licence Conditions Codes of Practice from the Gambling Commission which is effective from April 2016.
- An appendix within the Statement of Principles has been added of the tables for maximum stake and maximum prize by category of machine.

3.7 Members need to be aware that the Gambling Commission are currently consulting on its 'Guidance to local Authorities (5<sup>th</sup> Edition)' the closing date for the consultation is 22<sup>nd</sup> June 2015. Once the Gambling Commission collates the responses and produce the 5<sup>th</sup> Edition Gloucester City Council may have to incorporate any changes into the Statement of Principles at that stage.

#### **4.0 Reasons for Recommendations**

4.1 The draft Statement of Principles sets out how Gloucester City Council intends to administer its duties under the Gambling Act 2005.

4.2 To ensure that the Council complies with the Gambling Act 2005.

4.3 To obtain the views of persons whom the council could affect by exercising its functions under the Gambling Act 2005.

#### **5.0 Future Work**

5.1 Once the draft Statement of Principles have been agreed by Members, statutory consultation must be undertaken.

5.2 The guidance recommends a 12 week consultation period, however, given the tight timescales available to consult before the next Licensing and Enforcement Committee, the minor nature of the amendments, as well as the ability of the Licensing Team to engage stakeholders quickly, Gloucester City Council will consult on this document for a period of 10 weeks.

5.3 The Act provides that the Licensing Authority must consult with:-

- The Chief Officer of Police for the Authority's area
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

5.4 The results of the consultation exercise will be presented to Members at the Licensing and Enforcement Committee on 15 September 2015.

5.5 The Council must publish its Statement of Principles at least 4 weeks prior to the date it is to come into effect.

5.6 The Act requires that publication is to be:-

- On the Authority's website, and
- For public inspection in one or more public libraries or other premises in the Council's area such as the Council's own offices.

5.7 The Council must also advertise the publication of the Statement of Principles by publishing a notice on the Authority's website and in one or more of the following places:-

- A local newspaper circulating in the area covered by the Statement.
- A local newsletter, circular or similar document circulating in the area covered by the Statement.
- A public notice board in or near the principal office of the Authority.
- A public notice board on the premises of public libraries in the area covered by the Statement.

5.8 Due to the publication and advertising requirements the Council will need to approve and publish the Statement of Principles no later than 1<sup>st</sup> January 2016. Therefore, the revised Statement of Principles will need to be agreed by Full Council on 26<sup>th</sup> November 2015 as that is the last meeting of full Council before the 1<sup>st</sup> January 2016 deadline.

## **6.0 Conclusion**

6.1 The Act requires the Council to consult on the Statement before it is published.

6.2 It is important that the consultation commences this summer in order to allow sufficient time for a full and effective exercise to be carried out.

6.3 The Statement is now due to be reviewed and the new Statement of Principles will need to be published to take effect from 31st January 2016.

## **7.0 Financial Implications**

7.1 There are no financial implications associated with this report

(Financial Services have been consulted in the preparation this report.)

## **8.0 Legal Implications**

8.1 The Act requires Gloucester City Council to prepare a Statement of Principles to cover each 3 year period. The statement must contain the principles that the Council proposes to apply in exercising its function under the Act during the period. Gloucester City Council must undertake consultation prior to determining the final Statement of Principles. Failure to determine the Statement of Principles could lead to judicial challenge.

(Legal Services have been consulted in the preparation this report.)

## **9.0 Risk & Opportunity Management Implications**

9.1 The risk management implications for this report are as follows:-

- Statement of Principles unfair, or too prescriptive.
- Revised Statement of Principles not published on time (on or by 1<sup>st</sup> January 2016)
- Consultation is inadequate.

## **10.0 People Impact Assessment (PIA):**

10.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

## **11.0 Other Corporate Implications**

### Community Safety

11.1 The Statement of Principles promote community safety because the Gambling Act 2005 Licensing Objectives prevent gambling from being a source of Crime and Disorder, being associated with Crime and Disorder or being used to support crime.

### Sustainability

11.2 None

### Staffing & Trade Union

11.3 None

## **Background Documents:**

Gambling Act 2005

Gambling Commission's guidance to Licensing Authorities (4<sup>th</sup> Edition)