

Meeting:	SMT	Date:	22 May 2018
	Licensing & Enforcement Committee		12 June 2018
	Council		22 November 2018
Subject:	Gambling Act 2005 – Draft Statement of Principles		
Report Of:	Head of Communities		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Draft Statement of Principles		

1.0 Purpose of Report

- 1.1 To ask the Committee to consider the draft “Statement of Principles” attached at Appendix 1 and, subject to any comments, amendments or additions the Committee wishes to make to the document, to approve it 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 2019-2022 be approved for the purposes of public consultation over a 10 week period.

3.0 Background and Key Issues

- 3.1 Gloucester City Council is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.
- 3.2 When reviewing its Statement of Principles, the Council is required to 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.
- 3.3 The Council must also ensure that they comply with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I

636 of 2006). These regulations govern the form statements must take, the procedure to be followed in relation to the preparation, review or revision of statements and the publication of statements.

- 3.4 These regulations require that a Statement is published by being made available for a period of at least 4 weeks before the date on which it will come into effect:-
- on the authority's website, and
 - for public inspection in one or more public libraries or other premises in the city such as the council offices.
- 3.5 The Council must also advertise the publication of the revised 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.
- 3.6 The Gambling Commission was set up under the Gambling Act 2005 and was formally established in October 2005. It has taken over the role previously undertaken by the Gaming Board for Great Britain in regulating all gambling in Great Britain, other than the National Lottery.
- 3.7 The Commission also has responsibility for the regulation of betting and remote gambling, as well as helping to protect children and vulnerable people from being harmed or exploited by gambling. The Commission is also responsible for advising local and central government on issues related to gambling.
- 3.8 In exercising its functions under the Gambling Act 2005 the Council's licensing responsibilities came into force on 1 September 2007. These included licensing any premises used for gambling, regulating the use of gaming machines, granting permits to certain types of amusement arcades, issuing Temporary Use Notices and registering small society lotteries.
- 3.9 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.
- 3.10 The changes to the draft 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 seen by way of "track changes" in the draft document attached at Appendix 1 and include:-

Local Area Profile

The need for a Local Area Profile will be kept under review.

Local Area Risk Assessment

More detailed information about Local Area Risk Assessments. These are intended to be live documents and will need to be revisited and refreshed by Operators of each individual premises as local circumstances change rather than just be companywide policies and procedures in relation to the licensing objectives. This Statement of Principles is one means by which this licensing authority can make clear its expectations of gambling operators.

Plans

A new section has been added that sets out this Licensing Authority's expectations.

Public Health and Gambling

A new section has been added recognising the links between Public Health and gambling-related harms and how the Council would like to work together in partnership with the local Public Health team to try and better understand and address gambling-related harms in the area.

Exchange of Information

A new paragraph has been added in respect of applications referred to the Licensing Sub-Committee.

Gambling Commission

A new section has been included that provides information on the Gambling Commission and its responsibilities.

Complaints

A new paragraph has been added that set out how this Licensing Authority will deal with complaints.

Small Society Lotteries

A new section has been included that sets out how the Council will approach its role and responsibilities in relation to the registration and monitoring of Small Society Lotteries.

4.0 Asset Based Community Development (ABCD) Considerations

- 4.1 There is a legal process we must follow under the Gambling Act 2005. However, giving communities as much information about an application as we can by providing help and advice where it is needed should also be a consideration. We will engage with the Community Wellbeing Team to develop an effective communication process.

5.0 Alternative Options Considered

- 5.1 The draft statement of principles will be consulted upon and alternative options will be considered as part of this process. The revised policy will not take effect until after the 10 week consultation period and all feedback has been considered by the Licensing and Enforcement Committee for final approval and adoption.
- 5.2 Members may also request further amendments to be made to the draft policy which they consider suitable and approve it for consultation as amended.

6.0 Reasons for Recommendations

- 6.1 The draft Statement of Principles sets out how Gloucester City Council intends to administer its duties under the Gambling Act 2005.
- 6.2 To ensure that the Council complies with the Gambling Act 2005.
- 6.3 To obtain the views of persons whom the Council could affect by exercising its functions under the Gambling Act 2005.

7.0 Future Work and Conclusions

- 7.1 Once the draft Statement of Principles have been agreed by Members, statutory consultation must be undertaken.
- 7.2 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 Community Wellbeing Team to engage stakeholders quickly, Gloucester City Council will consult on this document for a period of 10 weeks.
- 7.3 The results of the consultation exercise will be presented to Members at the Licensing and Enforcement Committee meeting on 11 September 2018.
- 7.4 Due to the publication and advertising requirements the Council will need to approve and publish the Statement of Principles no later than 1 January 2019. Therefore, the revised Statement of Principles will need to be agreed by Full Council on 22 November 2018 as that is the last meeting before the 1 January 2019 deadline.

8.0 Financial Implications

- 8.1 There are no financial implications associated with this report.

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

9.0 Legal Implications

- 9.1 The Act requires Gloucester City Council to prepare and republish 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 functions under the Act during that period. Gloucester City Council must undertake a consultation prior to

determining the final Statement of Principles. Failure to determine the Statement of Principles could lead to judicial challenge.

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

10.0 Risk & Opportunity Management Implications

10.1 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 1st January 2019)
- Consultation is inadequate

11.0 People Impact Assessment (PIA) and Safeguarding:

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

12.0 Other Corporate Implications

Community Safety

12.1 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

12.2 None

Staffing & Trade Union

12.3 None

Potential Media Interest – to be completed for SMT/Cabinet Briefing purposes. Remove prior to publication of report. Draft report to be sent pressoff@gloucestershire.gov.uk.

No significant media interest anticipated

Background Documents:

Gambling Act 2005

Gambling Commission's guidance to Licensing Authorities (5th Edition) September 2015