



<b>Report to:</b>	Licensing Committee	<b>Date:</b>	15 September 2015
<b>Report title:</b>	Gambling Act 2005 – Statement of Principles		
<b>Report from:</b>	Mary Morrissey, Strategic Director of Environment, Housing and Regeneration		
<b>Ward/Areas affected:</b>	Borough Wide		
<b>Chair of Committee/Lead Member:</b>	Cllr Mary Burstow		
<b>Author(s)/Contact Number(s):</b>	Richard Winch, Licensing Manager 020 8770 5622		
<b>Corporate Plan Priorities:</b>	<ul style="list-style-type: none"> <li>• An Open Council</li> <li>• A Fair Council</li> <li>• A Smart Council</li> </ul>		
<b>Open/Exempt:</b>	Open		
<b>Signed:</b>		<b>Date:</b>	24 August 2015

## 1. Summary

- 1.1 The Gambling Act 2005 requires the Licensing Authority to review its statement of gambling principles every 3 years. The policy must be approved by full council and come into effect by 31 January 2016. However the policy must be published 4 weeks prior to its implementation date.

## 2. Recommendations

- 2.1 That the amended statement of principles as set out at appendix A is referred to full Council for adoption.

## 3. Background

- 3.1 On 11 December 2006 the first statement of gambling principles was adopted by full Council after referral from the Licensing Committee. The policy was then reviewed in 2009 and 2012 with minor amendments made to reflect the changes in the guidance issued by the Gambling commission.
- 3.2 The statement sets out the issues that the authority will consider when determining applications. The policy must be considered by sub committees when considering contested applications or reviews under the Act.
- 3.3 Every 3 years the policy must be reviewed in accordance with the legislation and consultation must take place with the gambling industry and police.

#### 4. Issues

4.1 The main proposed changes to the policy include the insertion of 2 new sections in relation to risk assessments and local area profiles. These sections are set out below:

##### 4.2 Local Area Profiles

A series of maps are attached to the policy at Appendix D. These maps contain the location of all current gambling premises in relation to areas of deprivation, schools, hostels and homes for vulnerable people, needle exchanges, and centres for people with gambling addictions. This Authority will pay particular attention to applications for the grant or variations to existing premises licences where those premises lie within these areas.

##### 4.3 Risk Assessments

4.3.1 Where paragraph 4.7 applies this Authority will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, or exacerbate any problems within the vicinity generally. Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business.

4.3.2 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their risk assessments how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people.

4.3.3 This Authority will expect applicants for the new grant of, or variation to an existing, licence to include full details of their risk assessment in compliance with Social Responsibility (SR) code 10.1.1 and Ordinary code provision 10.1.2 (both effective as from 6 April 2016).

4.3.4 To assist operators in formulating their risk assessments guidance is contained in appendix E which sets out example measures that should be considered. This is not an exhaustive list and every risk assessment should be based on the individual premises and the issues in the local area.

4.4 The inclusion of these paragraphs is in line with the draft guidance to local authorities from the Gambling Commission. The guidance recommends the use of the local area profiles to assist gambling operators in preparing their risk assessments, however there is no requirement for area profiles to be included in the policy.

4.5 By including the local area profile maps and the risk assessment guidance as appendices to the policy it will allow updates and amendments to be made without the need to conduct the full statutory consultation on the whole policy.

- 4.6 The local area profiles and risk assessment criteria have been prepared in conjunction with the Director of Public Health and Sutton Police.
- 4.7 The draft policy was consulted upon with the gambling operators in the area, the police, the Gambling Commission, HM Revenue & Customs, Association of British Bookmakers, Bingo Association and BACTA. The consultation ended on 3 August.
- 4.8 Only 1 response was received during the consultation period from Poppleston Allen solicitors on behalf of Power Leisure Bookmakers Limited. This response is included in full at appendix B.
- 4.9 The main issue highlighted was a concern that the Local Area Profile and Risk Assessment Consideration appendices should contain sufficient detail for operators to produce a risk assessment.
- 4.10 At a recent Local Plan Task and Finish Group, which considers changes to the council's planning policy as part of a Local Plan review; the issue of bookmakers was considered. Members decided not to introduce a planning policy which would limit betting shops and also noted that the Government has changed the national planning policy with regard to bookmakers. Previously, bookmakers could take over certain retail premises without the need for planning permission. However, in April 2014, betting shops were reclassified as a *Sui Generis* use, meaning that a new betting shop would always require a planning permission.

## 5 Options Considered

- 5.1 To retain the policy with minor updates to contact details and the scheme of delegation only.
- 5.2 To include the proposed sections on local area profiles and risk assessments in line with the draft guidance from the Gambling Commission.

## 6 Impacts and Implications

### Financial

- 6.1 The cost of the review and consultation on the draft statement of principles has been met within existing budgets.

### Legal

- 6.2 Section 349 of the Gambling Act 2005 requires the licensing authority to review their statement of principles every three years and publish any revision before giving it effect.
- 6.3 When reviewing the statement of the principles the Act requires the licensing authority to consult 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 the Gambling Act 2005. The consultation exercise undertaken has complied with this requirement.

**7 Appendices and Background Documents**

<b>Appendix Letter</b>	<b>Title</b>
<b>A</b>	Draft Statement of Gambling Principles 2016-2019
<b>B</b>	Consultation Response

<b>Background Documents</b>
None

<b>Audit Trail</b>		
Version	Final	Date: 21 August 2015
<b>Consultation with other officers</b>		
<b>Officer</b>	<b>Comments Sought</b>	<b>Comments checked by</b>
Finance	Yes	Christine Little
Legal	Yes	Guy Bishop