

Report to:	Licensing Committee	Date:	19 March 2018
Report title:	Revised Statement of Policy and Principles – Gambling Act 2005		
Report from:	Mary Morrissey - Strategic Director of Environment, Housing and Regeneration		
Ward/Areas affected:	Borough Wide		
Chair of Committee/Lead Member:	Councillor Mary Burstow		
Author(s)/Contact Number(s):	Nick Cloke, Lead Officer Licensing, 020 8770 5622		
Corporate Plan Priorities:	<ul style="list-style-type: none"> • An Open Council • A Green Council • A Smart Council 		
Open/Exempt:	Open		
Signed:		Date:	12 February 2018

1. Summary

- 1.1 As a Licensing Authority, the Council is required under the Gambling Act 2005 to prepare, every three years, a Statement of Policy and Principles that they propose to apply in exercising their functions under the Act. The Council's current Statement of Policy and Principles was approved by the Committee and subsequently Council in September 2015 and came into effect on 31 January 2016.
- 1.2 In accordance with the Gambling Act 2005 a review of the policy must be undertaken and a new/revised policy published by 31 January 2019.
- 1.3 A revised Statement of Policy and Principles will be prepared in draft and brought to this committee in June, following which it will be subject to a consultation, the process for which is set out in the Gambling Act 2005.

2. Recommendations

The Licensing Committee is recommended to:

- 2.1 Agree the process (as set out in the report in section 5) for reviewing the Gambling Act 2005 Statement of Licensing Policy and Principles.
- 2.2 Agree that a draft of the proposed revised Statement of Licensing Policy and Principles is brought to the next Licensing Committee (currently scheduled for June 2018) for consideration prior to the consultation.

3. Background

- 3.1 The Council in its capacity as Licensing Authority has responsibility under the Gambling Act 2005 (the 'Act') for the issue and regulation of premises licenses, including those premises offering bingo, for betting shops, and amusement arcades etc. The Authority is also responsible for lottery registrations, temporary and occasional use notices for gambling activities within the Borough, and the issuing of permits to pubs and clubs for amongst other activities gaming machines.
- 3.2 The Act requires the Licensing Authority to draft, consult on and publish a statement of policy and principles that they propose to apply in exercising their functions under the Act. Once published the policy will be kept under review and, in any case, will be re-published every three years. The first statement of Policy and Principles was published in January 2007. The current policy was published in January 2016, so a new policy must be prepared and published by 3 January 2019, to come into effect on the 31st January.

4. Issues

- 4.1 The main proposed changes to the policy will be in consideration of the latest Gambling Commission advice and will also take into account issues and concerns that have arisen over the life of the current policy, including any identified by members at this Committee.
- 4.2 These proposed revisions include:
- Further stipulations on licence holders in relation to Local Risk Assessments including further explanation of our basic consideration of the basic principles to be applied by operators;
 - To specify the detail and supporting information the Licensing Authority expect to see on premises plans;
 - Clarification on our requirements of premises who hold permits for gaming machines, namely pubs and clubs;

5. Options Considered

- 5.1 It is therefore proposed that, a revised Statement of Policy and Principles will be prepared taking into account the latest Gambling Commission advice as well as issues and concerns that have arisen over the life of the current policy.
- 5.2 This new draft policy will be brought to the next meeting of this Committee in June for consideration prior to consultation. Once the consultation is complete a final draft will be brought to the October meeting before submission to Council for approval in December.
- 5.3 The process of reviewing the statement of licensing policy is set out in the Act and the Licensing Authority is required to consult with:
- The Chief Officer of Police;
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the borough; 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 Act.

In addition we would consult 'Responsible Authorities' as defined by the Act.

6. Impacts and Implications

Financial

- 6.1 There are no additional resource implications arising from this Consultation; resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budget.

Legal

- 6.2 Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy and Principles every 3 years. The next Statement must be published by 31 January 2019.
- 6.3 Section 25 of the Gambling act 2005 requires the Authority to have regard to Gambling Commission Guidance when preparing its Statement of Licensing Policy.

Other impacts and implications

- 6.4 The Licensing Policy sets out the framework within which decisions are made that affect crime and disorder and the protection of children and other vulnerable people from being harmed or exploited by gambling.



7. Appendices and Background Documents

Appendix letter	Title
None	

Background documents
Gambling Commission Guidance to Licensing Authorities (5th Edition)

Audit Trail		
Version	Final	Date: 12 February 2018
Consultation with other officers		
Finance	No	N/A
Legal	Yes	Guy Bishop (Legal Partnership)
Other Officers:	Yes	Jan Gransden Group Manager (Regulatory Services) David Kingstone Team Manager (Licensing and Environmental Compliance)
Equality Impact Assessment required?	No	N/A