

Licensing Committee

Date of Meeting: 05 November 2018

Report Title: Revised Statement of Gambling Principles

Senior Officer: Frank Jordan, Executive Director - Place

1. Report Summary

- 1.1. The Gambling Act 2005 requires local authorities to prepare and publish a statement of the principles that they propose to apply when exercising their functions under the Act during the three year period to which the statement applies.
- 1.2. The Council is required to review its existing statement of principles and publish a revised version. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders identified within the Gambling Act 2005. The purpose of this report is to allow the Licensing Committee the opportunity to comment on the revision during this consultation period.

2. Recommendation

- 2.1. That the Licensing Committee considers the revised Statement of Gambling Principles (Appendix 1) and approves the content.

3. Reasons for Recommendation/s

- 3.1. The Statement of Gambling Principles is the policy document used by the Licensing Authority when making decision under the Gambling Act 2005. This will include occasions where the Licensing Act Sub-Committee will make decisions in respect of contested applications. It is therefore appropriate for the Licensing Committee to consider the content of the policy prior to its adoption by full Council.

4. Other Options Considered

- 4.1. No other options have been considered.

5. Background

- 5.1. As set out above, the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act.
- 5.2. The draft statement, a copy of which is attached as Appendix 1, incorporates some amendments (set out in Appendix 2), but in essence remains substantially the same as previous iterations.
- 5.3. The Licensing Team have not received any comments, either positive or negative, on the current statement. Similarly, the Council has not been subject to judicial challenge on the content of the statement.
- 5.4. The Statement of Gambling Principles is the policy document that the Licensing Act Sub-Committee will use when determining contested applications under the Gambling Act 2005. Consequently, it needs to adequately guide applicants, objectors, Licensing Authority Officers, and Committee Members.
- 5.5. The statement must reflect that the Council is required to discharge its responsibilities under the Act with a view to promoting the three licensing objectives:
 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 2. Ensuring that gambling is conducted in a fair and open way,
 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.6. Within the last three years, the period the Council's current Statement of Principles has been in operation, there has been no significant increase or decrease in the number of premises requiring a gaming permit or a premises licence.
- 5.7. There have been no contested applications and it has not been necessary for the Sub-Committee to use the statement in any decision making process.
- 5.8. In reviewing the statement of principles officers have considered (amongst other things):
 1. The promotion of the three licensing objectives
 2. The guidance issued under Section 25 of the Gambling Act 2005 and any update guidance provided by the Gambling Commission
 3. The Council's current Statement of Gambling Principles

4. Equality legislation and requirements

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. By virtue of section 349 of the Gambling Act 2005 ('the 2005 Act') the Licensing Authority is required to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the 2005 Act during the three year period to which the policy applies.

6.1.2. The drafting of the Statement of Principles must take into account the requirements of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 ('the 2006 Regulations'). In addition, the Gambling Commission's Guidance to Licensing Authorities ('the Guidance') prescribes that in determining its policy, the Licensing Authority must have regard to the Guidance and give appropriate weight to the views of those it has consulted.

6.2. Finance Implications

6.2.1. There are no direct financial implications in relation to the decision requested.

6.3. Policy Implications

6.3.1. The Council is required to revise and adopt a Statement of Gambling Principles every three years.

6.4. Equality Implications

6.4.1. Consideration has been given to the application of the 'public sector equality duty' (in accordance with section 149 Equality Act 2010) to the recommendation. The decision requested is likely to have a neutral effect in terms of its impact on those individuals with 'protected characteristics.'

6.5. Human Resources Implications

6.5.1. There are no human resource implications.

6.6. Risk Management Implications

6.6.1. There are no direct risk management implications in relation to the content of the report.

6.6.2. It should be noted that the Gambling Act 2005 requires the Licensing Authority to have a Statement of Gambling Principles. However, there

is no penalty that could be applied if the Licensing Authority did not adopt a Statement. Notwithstanding, any decisions taken where a policy was not in place could be subject to Judicial Review.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

6.8.1. There are no direct implications for children and young people. The Statement of Gambling Principles seeks to protect children and vulnerable persons from being harmed or exploited by gambling.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. The Statement of Gambling Principles is a Borough wide policy and therefore has the potential to impact on all wards.

8. Consultation & Engagement

8.1. The statement is subject to a statutory consultation process, which includes:

(a) the chief officer of police for the authority's area;

(b) 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

(c) 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 2005 Act.

8.2 Regulation 7 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 prescribes that before a revised statement comes into effect the authority must advertise the publication of the statement by way of a notice published on the authority's website and in one or more of the following places: (i) a local newspaper circulating in the area covered by the statement; (ii) a local newsletter, circular or similar document circulating in the area covered by the statement; (iii) a public notice board in or near the principal office of the authority; (iv) a public notice board on the premises of public libraries in the area covered by the statement.

9. Access to Information

- 9.1. The changes made to the Statement during the revision have been logged and are attached at appendix 2 for ease of reference.

10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officer:

Name: Kim Evans
Job Title: Licensing Team Leader
Email: kim.evans@cheshireeast.gov.uk