

Gambling Act 2005 – Statement of Licensing Principles

Report of the Corporate Portfolio Holder

Recommended:

- 1. That the revised Statement of Licensing Principles attached as an annex to this report be recommended for approval; and**
- 2. That the Statement be effective for a three year period commencing 31 January 2019 subject to it being kept under review and the Council making such changes to it at such times as it considers appropriate.**

Recommendation to Council

SUMMARY:

- The Council must publish a Statement of Licensing Principles (or policy) detailing its responsibilities under the Gambling Act 2005 every three years.
- Following consultation over the summer a draft revised Statement is recommended for adoption.

1 Introduction

- 1.1** Section 349 of the Gambling Act 2005 requires the Council to publish a Statement of Principles (or Policy) setting out the matters to be taken into account by the Council when determining applications for licences and permits issued under the Act. The current Statement was published in January 2016 and the Act requires that the Council review the Statement every three years. Consequently a draft revised Statement, attached as Annex 1 to this report, is recommended for adoption following a consultation exercise commenced in June whereby the existing Statement was distributed to a number of organisations including those representing existing licence holders. In addition a copy was either supplied or made available to all members and also a number of officers within the Council. Consultees had until 3 September 2018 to respond and no comments were received.

2 Background

- 2.1** The Council assumed its responsibilities under the Gambling Act 2005 on 31 January 2007. The Act created a new system of licensing and regulation for commercial gambling in this country. Amongst other changes, it gave local authorities new and extended responsibilities for licensing premises for gambling. In some cases, such as gaming machine arcades, those built upon existing responsibilities. But in other major areas, including betting and bingo, they transferred to local authorities responsibilities which previously lay with the local magistrates.

- 2.2 The Statement of Licensing Principles sets out the matters that will be taken into account when determining applications submitted under the Act. The Statement of Licensing Principles must be approved by full Council. This report brings the draft Statement to Cabinet for recommendation to Council. Once adopted, the Statement will be effective for three years but there is nothing to prevent the Council from reviewing the Statement during this period should this become necessary.

3 Corporate Objectives and Priorities

- 3.1 The adoption of a Statement of Licensing Principles is a statutory requirement which does not directly relate to the Council's corporate aims.

4 Consultations/Communications

- 4.1 As mentioned in paragraph 1.1 above, the Council is legally required to consult upon the Statement and the draft document was sent to a number of different organisations including trade organisations, solicitors, Hampshire Constabulary and Hampshire Fire and Rescue Service. All have been given equal opportunity to comment.

5 Revisions

- 5.1 Only one significant change has been made to the existing Statement published in January 2016 which is the addition of further information relating to the requirement for Local Risk Assessments (see paragraph 2.3 of Annex 1 attached)

6 Option Appraisal

- 6.1 The only alternative option available to the Council is to fail to approve and publish a Statement and in doing so the Council will have failed to comply with its statutory requirements and may be subject to legal challenge when determining licence applications.

7 Risk Management

- 7.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes/issues covered do not represent significant risks and have largely previously been considered by Councillors when the first Statement was adopted in 2006.

8 Resource Implications

- 8.1 There are no direct resource implications as a result of this report.

9 Legal Implications

- 9.1 The legal implications of failing to approve and adopt a Statement are as set out in paragraph 6.1 above.

10 Equality Issues

- 10.1 An Equalities Impact Assessment is not needed because the issues covered have previously been addressed when the initial Statement was recommended for adoption in 2006. The Gambling Act 2005 and its associated secondary legislation have been assessed by central government as being compliant with United Kingdom equalities and human rights legislation.

11 Other Issues

- 11.1 Community Safety – none specific.
- 11.2 Environmental Health Issues – none.
- 11.3 Sustainability and Addressing a Changing Climate – none.
- 11.4 Property Issues – none.
- 11.5 Wards/Communities Affected – none specific but potentially the whole Borough.

12 Conclusion and reasons for recommendation

- 12.1 The Council is legally required to consult upon its Statement of Licensing Principles and it is only right that all those likely to be affected by the Act are given the opportunity to comment. The nil level of responses received would indicate that there is general satisfaction with the proposed Statement. Should, after its adoption, the Council consider it appropriate to review the Statement, then the facility to do so is available.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Gambling Act 2005 Statement of Licensing Principles January 2016			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Corporate) Councillor Flood			
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