

Title of meeting: LICENSING COMMITTEE

Date of meeting: 23 June 2017

Subject: The Gambling Act 2005 - Adoption of Statement of Licensing Policy

Report by: Licensing Manager

Wards affected: All

Key decision: No

Full Council decision: Yes

1. Purpose of report

- 1.1 The purpose of this report is to inform the Committee of the representations received in response to the consultation process which was undertaken on the draft statement of licensing policy in respect of the Gambling Act 2005. The consultation was undertaken between 31 March 2017 and 5 May 2017.
- 1.2 The report also seeks the approval of the Licensing Committee of the proposed final statement of licensing policy and to commend it for formal adoption by Council.

2. Recommendations

2.1 ***That the Licensing Committee:***

- (a) Considers the responses received and approves the amendments to the proposed final statement of licensing policy;***
- (b) Refers this report to Council for information and guidance in respect of the requirements of the Gambling Act 2005; and***
- (c) Recommend that Council adopts the statement of licensing policy in accordance with Section 349 of the Gambling Act 2005***

3. Background

- 3.1 The Gambling Act 2005 ("The Act") first came into effect on 1 September 2007 and created a new system of licensing and regulation for commercial gambling in the UK (excluding the National Lottery and spread betting).

The Act created a new regulator for gambling, the Gambling Commission, and introduced a new licensing regime for commercial gambling. This regime is conducted either by the Gambling Commission or by the local Licensing Authority depending upon the matter to be licensed.

3.2 The Council, as Licensing Authority, is responsible for licensing and overseeing gambling premises in its area which include the following:

- Licensing of premises where gambling activities are to take place by issuing premises licences;
- Issuing of provisional statements (in respect of premises yet to be built, altered or acquired);
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits;
- Issuing club machine permits to commercial clubs;
- Granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receiving notifications from alcohol licensed premises of the use of two or fewer gaming machines;
- Issuing licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises where more than two machines are required;
- Registering small lotteries below prescribed thresholds;
- Issuing prize gaming permits;
- Receiving and endorsing temporary use notices;
- Receiving occasional use notices;
- Provision of information to the Gambling Commission regarding details of licences issued; and
- Maintaining registers of the permits and licences that are issued under these functions.

3.3 **Regulation of gambling**

In accordance with section 153 of the Act, in making its decisions about premises licences and temporary use notices, licensing authorities should aim to permit the use of the premises for gambling in so far as it thinks it:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the licensing authority's statement of licensing policy.

3.4 **The licensing objectives**

The Act sets out three licensing objectives that underpin the functions that the Gambling Commission and the licensing authority perform. They are:

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable people from being harmed or exploited by gambling.

3.5 **Statement of licensing policy**

Licensing authorities are required to publish a licensing policy statement every three years which sets out the principles it proposes to apply when exercising its functions. The policy sets out how the Authority will meet the licensing objectives of the Act. Authorities must consult on their draft statements so that communities and businesses will have a chance to comment on the authority's proposed approach.

3.6 In determining its policy, the Act states that the Council must consult with the following:

- 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 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 Act.

The statutory guidance issued by the Gambling Commission in accordance with the Act advises that the list of persons to be consulted when preparing the statement of licensing policy is deliberately wide. This enables licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the licensing policy statement.

3.7 **Consultation process**

The draft statement of licensing policy was made available for consultation between 31 March 2017 and 5 May 2017 in accordance with the statutory requirements. A list of those organisations/persons notified of the draft policy

and consultation is set out in the proposed final policy document (page 44) which is attached as **Appendix C** to this report.

The draft policy was published on the Council's website, facebook and twitter pages, copies were distributed to all public libraries, City Help Desk and to each of the Member's Group Rooms. A public notice was also published in a local newspaper.

3.8 **Response to the consultation process**

At the conclusion of the consultation period, 3 responses had been received from:

- Gosschalks Solicitors - Acting for the Association of British Bookmakers (ABB);
- The Chief Officer of Police; and
- Leslie MacLeod-Miller - licensing lawyer.

A summary table of their comments are attached as **Appendix A** together with your reporting officer's recommendations in respect of the responses. Copies of the full responses are attached at **Appendix B**.

3.9 **Other statutory requirements**

Section 349 of the Act requires each licensing authority to prepare and publish a statement of licensing policy that they propose to apply in exercising their functions under the Act. Before a statement or revision comes into effect, the statutory regulations prescribe that the licensing authority must publish and advertise the publication of the statement or revision according to certain requirements.

3.10 **Publishing**

The statement or revision must be published by being made available for a period of at least 4 weeks before the date on which it will come into effect as follows:

- On the authority's internet website; and
- For inspection by the public at reasonable times in one or both of the following places:
 - One or more public libraries situated in the local authority area;
 - Other premises situated in the area.

3.11 Advertising

A notice must be published no later than the first day on which the statement or revision is published as follows:

- On the authority's internet website; and
- In or on 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.

3.12 Further guidance

Attached at **Appendix D** is further information for members published by the LGA on the Gambling Act 2005.

4. Reasons for recommendations

To fulfil the Council's statutory obligations as set out in section 349 of the Act.

5. Equality impact assessment (EIA)

A preliminary EIA was undertaken on the proposed policy prior to undertaking the consultation process and formed part of that report on 22 February 2017. A copy of that EIA is attached as **Appendix E**.

6. Legal Implications

All legal comments are contained within the body of the report.

7. Finance Comments

There are no financial implications in respect of this report.

Signed by:

Appendices:

- Appendix A** Summary of responses to consultation and officer recommendations
- Appendix B** Full responses to consultation
- Appendix C** Proposed final statement of licensing policy
- Appendix D** LGA guidance for members on the Gambling Act 2005
- Appendix E** Preliminary EIA

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: