

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Gambling Act 2005 – Statement of Principles 2019

Meeting/Date: Council – 19 December 2018

Executive Portfolio: Executive Councillor for Operations and Regulation –
Councillor M Beuttell

Report by: Head of Community - Chris Stopford

Wards affected: All

Executive Summary:

The Council is required to produce a Gambling Act 2005 Statement of Principles on which it will base its decisions. The production of the document required the Council to undertake a period of public consultation which ended on 31 August 2018. This report provides the Council with a draft of the final revised document and seeks a recommendation for its approval and adoption.

The draft Statement was considered and endorsed by the Licensing Committee at their meeting on 17th October 2018, and by Cabinet on the 22nd November 2018, both of whom recommended that it should be referred to Council for approval.

The costs of reviewing the statement will be set against the income from the application and annual licence fees received under the Gambling Act 2005 regime.

RECOMMENDATION :

That Full Council

1. That Full Council approve and adopt the Gambling Act 2005 – Statement of Principles 2019
2. That the Head of Community, in consultation with the Executive Councilor, be authorised to make the necessary changes to the Gambling Act 2005 Statement of Principles to implement the changes proposed by Government to the maximum stake for fixed odds betting terminals.

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 The Gambling Act 2005 (the Act) requires the Council to prepare and publish a 'Statement of Principles' stating how it will exercise its statutory duties, having firstly undertaken public consultation and considered any feedback. Our current statement expires on 30 January 2019, so we must draw up, adopt and publish a further statement of principles before the 3 January 2019, four weeks before its coming into effect on 31 January 2019. If the Council fails to do this, then it will be unable to fulfil its statutory duties, with possible additional financial and legal consequences arising as a result. It is vital therefore that we progress the approval and endorsement of the revised draft document to enable us to meet the statutory timeframe.
- 1.2 The purpose of this report is to invite Members to recommend approval of the revised draft, having undertaken public consultation and considered all comments received.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council is the Licensing Authority for the purposes of the Act, taking over licensing responsibilities when it came into effect in September 2007. Section 349 of the Act requires the Licensing Authority to prepare and publish a 'Statement of Principles' that it proposes to apply in exercising its functions under the Act. The statement of principles must be kept under review and reviewed at least every three years.
- 2.2 The current statement was approved by the Licensing Committee on 20 October 2015 and full Council on 16 December 2015. It came into effect on 31 January 2016 and therefore expires on 30 January 2019.
- 2.3 The Council is required to undertake a review of its statement every Three years. The statement must be drafted and consulted upon prior to it being adopted. All comments received must be considered.
- 2.4 The current statement of principles was drawn up from templates issued by the Local Government Association and by the Gambling Commission and took into account changes arising from the fifth edition of the Gambling Commission Guidance to Licensing Authorities, published in March 2015.
- 2.5 Attached as an appendix is a revised draft 'Statement of Principles', which has been reviewed to take into account the relevant provisions as they apply to Huntingdonshire District Council and all comments received as a result of public consultation.

3. CONSULTATION

- 3.1 Section 349 of the Act requires that the Council consults with a range of persons including the police, persons representing the interests of people carrying on gambling businesses in the area and persons likely to be affected by the exercise of the authority's functions under the Act.
- 3.2 Nine weeks' consultation took place between 29 June and 31 August 2018, in accordance with Cabinet Office guidelines. Wide consultation was undertaken in accordance with the legislation by a variety of means, including our website, known contacts and council offices.

- 3.3 Approval of the 'Statement of Principles' is reserved to Full Council. Approval by the Council at their meeting on 19 December 2018 will be in time to publish the statement four weeks before it comes into effect on 31 January 2019.
- 3.4 It is important that the views of the consultees are taken into account. Two responses were received resulting in an amendment to Paragraph 16.14 of the Statement. The responses have been attached and are summarised in Appendix 2 with the consideration given in the drafting of the final version. It is a requirement that the statement complies with the Gambling Act 2005, Codes of Practice and Guidance issued by the Gambling Commission and is reasonably consistent with the licensing objectives. For this reason it is not always possible to adopt suggestions put forward. Appendix 2 indicates the consideration given to each comment received and provides reasons for the decisions taken.
- 3.5 The statement was prepared using the most current 5th Edition of the Gambling Commission's Guidance to Licensing Authorities.

4 OPTIONS

- 4.1 The Council has a statutory duty to approve and publish a Statement of Principles before 3 January 2019, four weeks before it comes into effect on 31 January 2019 in order to fulfil its legal obligations under the Act.

5. LEGAL IMPLICATIONS

- 5.1 Should the Council fail to have a policy in place by 31 January 2019, then it will be unable to fulfil its licensing duties under the Act. The Gambling Act sets out key principles of:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling, with possible additional financial and legal consequences arising as a result.

Clearly, these principles have cognisance with our own Corporate Priorities and therefore the provision of a Gambling Act 2005 licensing regime must remain a priority

- 5.2 The Gambling Act 2005, Section 349 places a statutory obligation on the Council to prepare its Statement of Principles.

6. RESOURCE IMPLICATIONS

- 6.1 The cost of implementing the Statement is covered from the fees income generated under the Gambling Act 2005.

7. OTHER IMPLICATIONS

- 7.1 In November 2018, the Government announced changes to the maximum stake on fixed odds betting terminals, and the bring forward of the changes to April 2019. This announcement advises of a proposed change in legislation and it is understood that this is working through the relevant law making processes. This change, as currently understood, will be statutory and for implementation without further consultation. For this purpose, it was proposed

to and endorsed by Cabinet, and therefore recommended for approval by Council, that the Head of Community in consultation with the Executive Councillor be delegated authority to make the necessary changes to the Gambling Act 205 Statement of Principles without further recourse to Council..

8 REASONS FOR THE RECOMMENDED DECISIONS

- 8.1 The present statement must be reviewed and replaced for a further period of three years. It is therefore:

RECOMMENDED

3. That Full Council approve and adopt the Gambling Act 2005 – Statement of Principles 2019
4. That the Head of Community, in consultation with the Executive Councilor, be authorised to make the necessary changes to the Gambling Act 2005 Statement of Principles to implement the changes proposed by Government to the maximum stake for fixed odds betting terminals.

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Gambling Act 2005 - Statement of Principles 2016
Appendix 2 – Consultation response and summary

BACKGROUND PAPERS

[LGA Licensing Authority Statement of Principles](#)
[Gambling Commission Guidance to Licensing Authorities - 5th Edition - March 2015](#)
[Gambling Commission - Statement of Principles for Licensing Authorities](#)
[Gambling Commission Guidance to Licensing Authorities - 5th Edition - September 2015 \(parts 17,18 & 19 updated September 2016\)](#)
[Gambling Commission Licensing Authority Bulletin - Statements of Policy 2019-22 - January 2018](#)

CONTACT OFFICER

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