

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Licensing Committee
20th June 2018

Executive Portfolio: Executive Councillor for Operations and Regulation – Cllr
Jim White

Report by: Head of Community – Chris Stopford

Ward(s) 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 requires the Council to undertake a period of consultation. This report provides the Licensing Committee with a draft of the document on which we seek to engage in consultation, and to seek comments and approval of the Committee on the draft document and the consultation proposals.

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(s):

- (a) that Members approve the draft 'Gambling Act 2005 Statement of Principles' for public consultation, attached as an appendix to the report.
- (b) that the Head of Community be authorised to make any amendments to the draft statement that are considered necessary as a result of any comments received from the public consultation exercise, or arising from any new guidance issued by the Gambling Commission to Licensing Authorities.
- (c) that the revised final draft be brought back to the Licensing Committee endorsement to Cabinet and Full Council.

This page is intentionally left blank

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'. This document should state how it will exercise its statutory duties, having firstly undertaken public consultation and considered any feedback. Our current statement expires on 31st January 2019, so we must draw up, adopt and publish a further statement of principles before the 3rd January 2019, four weeks before its coming into effect on 31st 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 commence public consultation in order to progress the matter and meet the statutory timeframe.
- 1.2 The purpose of this report is to invite members to approve the draft for public consultation. Following consultation a final draft will be prepared, taking into account the consultation responses.

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 20th October 2015 and full Council on 16th December 2015. It came into effect on 31st January 2016 and therefore expires on 30th January 2019.
- 2.3 The Council is now required to undertake a review of its statement. 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 Authority Co-ordinators of Regulatory Services (LACORS) and took into account changes arising from the Guidance to licensing authorities 5th edition published September 2015.
- 2.5 The Gambling Commission has developed its thinking in a number of areas and updated Parts 17, 18 & 19 of this Guidance in September 2016.
- 2.6 Attached as an appendix is a revised draft 'Statement of Principles', which has been re-drafted to take into account the relevant provisions as they apply to Huntingdonshire District Council. The revised draft tracks all the changes to the existing policy for ease of reference.
- 2.7 The table below details the premises currently licenced with Huntingdonshire District Council for the purpose of gambling:

Premises Licence Type	Location	Number of Premises
Betting	Huntingdon	4
	Yaxley	1
	St Neots	1
	Ramsey	1
Betting (Track)	Huntingdon	1

Premises Licence Type	Location	Number of Premises
Adult Gaming Centre	Haddon Motorway Services A1	1
	St Neots	1

3. CONSULTATION

- 3.1 Section 349 of the Act requires that the Council consults with 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 We propose to consult in accordance with the legislation and will be undertaking consultation by a variety of means, including our website, in libraries and council offices.
- 3.3 The Cabinet Office has produced guidelines recommending that timeframes for consultation be proportionate and realistic to allow stakeholders sufficient time to provide a considered response. We propose to consult over a ten week period from 25th June to 31st August 2018. This will enable all comments received to be considered and reported back with a final draft to the Licensing Committee on 19th September 2018, with a view to recommending its approval.
- 3.4 Approval of the 'Statement of Principles' is reserved to Full Council but requires the consideration of the Cabinet before a recommendation can be made. Cabinet will therefore be asked to endorse the statement for approval by the Council. The Council will need to approve the statement at least four weeks before it comes into effect on 31st January 2019.
- 3.5 It is likely that there will be a need for further amendments to the draft, arising from any comments received.

4. OPTIONS

- 4.1 We have a statutory duty to prepare and publish a statement of licensing policy, to undertake public consultation and to consider any feedback. Having considered all comments, we must then draw up and adopt the final policy before 3rd January 2019. If the Council fails to do this, then it will be unable to fulfil its duties.

5. LEGAL IMPLICATIONS

- 5.1 Should the Council fail to have a policy in place by 31st 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 consultation will be undertaken through the Council's website, printed versions of the consultation document being available at Council Offices, and through a number of direct mailings to the statutory consultees. The cost of consultation being covered from the fees income generated under the Gambling Act 2005.

7. OTHER IMPLICATIONS

- 7.1 No other implications are envisaged.

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

- (a) that Members approve the draft statement of principles for public consultation, attached as an appendix to the report.
- (b) that the Head of Community be authorised to make any amendments to the draft statement that are considered necessary as a result of any comments received from the public consultation exercise, or arising from any new guidance issued by the Gambling Commission to Licensing Authorities.
- (c) That the revised final draft be put before the Licensing Committee on 19th September 2018 for endorsement to Cabinet and full Council.

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Statement of Principles

BACKGROUND PAPERS

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 2019-2022 - January 2018

CONTACT OFFICER

Susan Walford, Operational Manager Business

☎ 01480 388002