

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Licensing Committee - 17 October 2018
Cabinet – 22 November 2018
Council – 19 December 2018

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

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 required the Council to undertake a period of public consultation which ended on 31 August 2018. This report provides the Licensing Committee with a draft of the final revised document which was discussed at Policy Development Group on 18 September and seeks the recommendation for approval of the Committee on the document, followed by the approval and adoption by Full Council.

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.

Recommendations:

1. **That Members of the Licensing Committee**
 - a) **note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2019 that has been produced following the required consultation; and**
 - b) **recommend that the Statement of Principles be referred to Council for approval.**

2. That Members of the Cabinet
 - a) note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2019 that has been produced following the required consultation; and
 - b) recommend that the Statement of Principles be referred to Council for approval.

3. That Full Council approve and adopt the Gambling Act 2005 – Statement of Principles 2019 - 2022

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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 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

1. That Members of the Licensing Committee note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2019 that has been produced following the required consultation; and further recommend that the Statement of Principles be referred to Council for approval.
2. That Members of the Cabinet note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2019 that has been produced following the required consultation; and further recommend that the Statement of Principles be referred to Council for approval.
3. That Full Council approve and adopt the Gambling Act 2005 – Statement of Principles 2019

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Gambling Act 2005 - Statement of Principles 2019

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 2019-2022 - January 2018

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