

Is the final decision on the recommendations in this report to be made at this meeting?

No

Outcome of the consultation on the Draft Statement of Gambling Principles 2005 for 2016 -2019

Final Decision-Maker	Council
Lead Director or Head of Service	John Littlemore
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That Licensing Committee approve the draft Statement of Gambling Principles attached as Appendix A for recommendation to full Council for adoption.
2. That Licensing Committee note the suggestions for change to the policy made by Gosschalks and decide whether to incorporate those changes into the policy.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Timetable

Meeting	Date
Policy and Resources Committee	
Council	9 December 2015
Other Committee	

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To update the committee on the result of the consultation on the Draft Statement of Licensing Principles (the Principles) under the Gambling Act 2005 ('the Act').
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2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough Council is the Licensing Authority under the provisions of the Gambling Act 2005 (the Act).
- 2.2 The Council is required to produce a Statement of Gambling Principles to demonstrate how applications under the Act will be dealt with.
- 2.3 The Act requires that the Licensing Authority publish its Statement of Licensing Principles at least every three years. The date for publishing is on or before the 31 January 2016.
- 2.4 The draft Policy was forwarded to all the consultees as stated at Appendix 3 of the Policy and all the responsible authorities. The Policy and consultation information was also placed on the Councils website. A copy of the draft Policy can be seen at Appendix A.
- 2.5 The consultation period ran for 6 weeks and ended on the 17 November 2015. Two responses to the consultation were received (Appendix B). These responses were received from:-
 1. Coral - who are supportive of the document and who did not make any suggestions that required the amendment of the Draft Statement of Gambling Principles. They confirmed that they recognise the requirement to supply risk assessments with future applications and also noted that we will be consulting with them again once we complete our further review to incorporate these matters within the next 12 months.
 2. Gosschalks on behalf of the Association of British Bookmakers –

The letter largely explains the viewpoint of the Bookmakers in relation to working in conjunction with its partners in the industry and their willingness to cooperate fully in all matters

that ensure that the industry is regulated fairly whilst ensuring Gambling does not become a problem. There are some matters referred to such as Local area risk assessments and local area profiles which will be addressed when the full review of the Statement of Gambling principles is undertaken in 2016. The letter on the whole gives an outline of how the industry will manage its own premises based on each operation and by applying local policy ensuring the three licensing objectives are achieved.

The letter does make four suggestions for change to the policy at the section **Specific Policy Comments**. It is for members to decide whether any changes are made to the policy on consideration of the points made by Gosschalks on behalf of the Association of British Bookmakers.

- 2.6 As the Licensing Authority the Council faced a dilemma as the Gambling Commission had not issued their anticipated revised guidance to licensing authorities in time for it to be incorporated into the document prior to consultation.
- 2.7 It was not known at the stage the policy was being reviewed when we would receive the amended Guidance.
- 2.9 Given the circumstances the current revision to the Statement was kept to a very light touch. An initial review within the Licensing team would indicate that the current statement is 'fit for purpose'.
- 2.10 It is proposed that the revised statement of Gambling Principles attached at Appendix A is agreed by the Committee to be recommended to Full Council for adoption. It should be noted that the only revisions to the current policy relate to the demographic information and the consultation did not produce any responses that needed to be incorporated in the document.
- 2.11 The consultation that took place was on a restricted basis but satisfied the consultation elements of the guidance. As part of the consultation process it indicated that there would be a further review and consultation when the anticipated 5th edition of Guidance was published.
- 2.12 This approach has enabled the publication of a revision in January 2016 to meet statutory requirements and provide certainty before the next revision. This is in essence a holding position until consideration of the new guidance recently published and consultation on a further

revision to the Gambling Policy in 2016 taking into account the new Guidance.

3. AVAILABLE OPTIONS

3.1 No alternatives were considered. It is a legislative requirement that the policy be reviewed at least every three years, and that a public consultation is carried out. Failure to review and adopt the Statement of Gambling Principles would result in the Council failing to comply with legislation and risk of challenge to any decisions made based upon an out dated Statement.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The authority needs to revise the current policy to meet statutory requirements, ensure coverage of the changes in the legislation and to set out how the Authority intends to approach its licensing responsibilities; in particular what it expects from management of different types of licensed premises in their business activities.

4.2 By being open and transparent in the approach taken in administering the licensing regime the public can see the efficiency of the service and have confidence in the decision making process.

4.3 A comprehensive policy will improve the consistency in delivering the service and will better inform applicants of the licensing process in an open and transparent way. This will contribute towards providing a better customer service. This document will be in place until the further revision is completed which will incorporate the recently published Gambling Commission Guidance.

5. CONSULTATION

5.1 Best practice guidance recommends up to a 12 week period but as the revisions related to demographic information only a six weeks period was considered adequate.

5.2 Letters and copies of the policy were sent to all those at Appendix 3 of the policy and all the responsible authorities.

5.3 Two letters were received in response to the consultation and are attached as Appendix B. The letter received from Gosschalks does

suggest some alteration to the policy and Members consideration is asked for in relation to the amendment of the Policy.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Once Licensing Committee have agreed to recommend adoption the Policy will be presented to Full Council to be formally agreed.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		[Head of Service or Manager]
Risk Management	None	[Head of Service or Manager]
Financial	None identified at this particular time.	[Section 151 Officer & Finance Team]
Staffing		[Head of Service]
Legal	The Licensing Authority must formally review its adopted Statement of Gambling Principles every three years as required under section 349 of the Gambling act 2005. Without an up to date statement then no decision in relation to gambling issues would be validly made.	[Legal Team]
Equality Impact Needs Assessment	None identified at this stage.	[Policy & Information Manager]
Environmental/Sustainable		[Head of

Development		Service or Manager]
Community Safety		[Head of Service or Manager]
Human Rights Act		[Head of Service or Manager]
Procurement		[Head of Service & Section 151 Officer]
Asset Management		[Head of Service & Manager]

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A Draft Statement of Gambling Principles
- Appendix B Letter received from Corals

9. BACKGROUND PAPERS

None