

## **Statement of Principles for Gambling Act 2005 Policy**

<b>Final Decision-Maker</b>	Full Council
<b>Head of Service</b>	John Littlemore
<b>Lead Officer/Report Author</b>	Lorraine Neale
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

**This report makes the following recommendations:**

1. To note that there were no responses to the consultation on the draft Statement of Gambling Principles and agree the revised Statement at Appendix A, (incorporating Members comments from Licensing Committee on 29, September 2016), be referred to Council with a recommendation for adoption.

**This report relates to the following Five Year Plan Key Objectives:**

- Great People
- Great Place
- Great Opportunity

**Timetable** (\* please delete those not applicable)

<b>Meeting</b>	<b>Date</b>
Licensing Committee	N/A
Full Council	1 March 2017

# Statement of Licensing Principles for Gambling Act 2005

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act during the three year period to which the Statement of Gambling Principles applies. Section 154 states that this function may not be delegated from Council and so this Committee is requested to recommend a proposed document to Council following consultation.
- 1.2 The current statement of principles took effect in January 2016 after an initial 'light touch' review as the publication of the 5<sup>th</sup> edition of Gambling Commission Guidance was published too late to be included in the draft. A detailed review of the Statement of Gambling Principles has been undertaken and was presented to Licensing Committee on 29th September 2016 and is now brought back to Committee to consider the consultation responses prior to referral to Council on 1<sup>st</sup> March 2017.
- 1.3 In accordance with the 5<sup>th</sup> Edition of the Gambling Commission Guidance to Local Authorities the focus of the latest review was concentrated on Local Risk Assessments and Local Area Profiles.

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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 In accordance with the above Act, the Licensing Authority has a duty to publish a Statement of Gambling Principles which sets out the principles that it will apply when dealing with gambling premises, gaming permits, lottery registrations, and other gambling notices associated with gaming.
- 2.3 The Statement of Gambling Principles has been reviewed and a 12 week consultation undertaken between 6<sup>th</sup> October and 23<sup>rd</sup> December 2016 with relevant bodies, individuals, residents and businesses throughout the Borough. Public Notices were also placed in a local newspaper and on the Council's website. No responses have been received as a result of the consultation process.
- 2.4 The Gambling Commission (the Commission) has introduced new provisions in its social responsibility code within the [Licence Conditions and Codes of Practice \(LCCP\)](#), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to

mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling. In making these risk assessments licensees must take account of the Licensing Authority's Statement of Licensing Principles.

**2.5 The gambling objectives are:**

- i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
- ii) ensuring that gambling is conducted in a fair and open way and
- iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.

**2.6** This revised Statement of Gambling Principles (Appendix A) is a result of a detailed review and has incorporated additional elements in respect of the Risk Assessments and Local Area Profiling. There is no requirement upon Licensing Authorities to prepare a Local Area Profile, but the Gambling Commission is encouraging authorities along this route. By doing this Operators will need to take this into account when preparing their own Local Risk Assessments, which is a mandatory requirement. Although the Council has not had any previous issues in this area, a suggested template Risk Assessment and guidance will enable us to provide a clear framework to assist operators in preparation of risk assessments and addressing suitable measures to mitigate any risks.. (Appendix B)

**2.7** In addition, as part of the Statement of Gambling Principles revision we have taken the opportunity to produce a range of model Conditions for Gambling Premises Licences which can be adapted to suit where necessary, and includes both the Mandatory and Default conditions. (Appendix C)

**2.8** It is therefore proposed that Members agree the referral of the draft Statement of Gambling Principles to Full Council with the recommendation for adoption.

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### **3 AVAILABLE OPTIONS**

**3.1** It is a statutory requirement for the Council to have a current statement of licensing principles in place covering the principles for its functions under the Act and to review it from time to time and if necessary revise and publish the revision.

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- 1. Chose not to revise the current Statement following publication of the 5th Edition of Gambling Commission Guidance as unnecessary.
  - 2. Following the review of the current Statement, as a result of the new edition of Guidance agree a revised Statement taking account of that.
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### **4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1** Option 2a comprehensive updated Statement of Gambling Principles will improve the consistency in delivering the service and will better inform applicants of the licensing process in an open and transparent way, enabling the Authority to continue to have a 'fit for purpose' Statement of Gambling Principles in place.
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## **5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1** There were no responses received during the 12 week consultation and therefore no revisions to be considered save those minor amendments agreed by Members on 29, September 2016..
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## **6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1** If Members agree that the proposed way forward is the revised Statement of Gambling Principles then referral of the Statement of Principles at Appendix A to Full Council with the recommendation for adoption is required.
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## **7 CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	No issues identified	[Head of Service or Manager]
<b>Risk Management</b>	No issues identified	[Head of Service or Manager]
<b>Financial</b>	No issues identified	[Section 151 Officer & Finance Team]
<b>Staffing</b>	No issues identified	[Head of Service]
<b>Legal</b>	The Licensing Authority must formally review its adopted Statement of Principles for the Gambling Act 2005 Policy. Section 349 of the Act requires the authority to review this every three years and keep it under review from time to time. Without an up-to-date Policy in place, this could leave the authority open to legal challenge over the legitimacy of any decisions made.	[Legal Team]
<b>Equality Impact Needs Assessment</b>	None identified at this stage.	[Policy & Information]

		Manager]
<b>Environmental/Sustainable Development</b>	.	[Head of Service or Manager]
<b>Community Safety</b>	No issues identified	[Head of Service or Manager]
<b>Human Rights Act</b>	No issues identified	[Head of Service or Manager]
<b>Procurement</b>	No issues identified	[Head of Service & Section 151 Officer]
<b>Asset Management</b>	No issues identified	[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: Revised Draft Statement of Gambling Principles
  - Appendix B: Guidance on Undertaking Local Gambling Risk Assessments
  - Appendix C: Mandatory, Default and Maidstone Borough Council's Pool of Model Conditions for Gambling Premises Licences
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## 9 BACKGROUND PAPERS

- Gambling Commission Guidance to licensing authorities 5<sup>th</sup> edition, September 2015  
<http://www.gamblingcommission.gov.uk/pdf/GLA/GLA.pdf>
- Existing Statement of Principles  
[http://www.maidstone.gov.uk/data/assets/pdf\\_file/0019/27631/Gambling-Licensing-Policy-June-2016.pdf](http://www.maidstone.gov.uk/data/assets/pdf_file/0019/27631/Gambling-Licensing-Policy-June-2016.pdf)
- Licence Conditions and Codes of Practice for Operators  
[Licence Conditions and Codes of Practice \(LCCP\)](#),