

Is the final decision on the recommendations in this report to be made at this meeting?	<b>No</b>
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## **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 to the final decision-maker:**

1. That the draft Gambling Act 2005 Statement of Principles 2019-2022 for is approved for public consultation.
2. That Officers are instructed to carry out the consultation over a 12 week period.

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

- Keeping Maidstone Borough an attractive place for all

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

<b>Meeting</b>	<b>Date</b>
Licensing Committee	22 November 2018
Full Council	12 December 2018

# 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 policy applies. Section 155 states that this function may not be delegated from Council and so this Committee is recommending a proposed document to Council following consultation.
  - 1.2 The Authority's current Statement of Licensing Policy was approved by Council on 1st March 2017 to come into force 2nd March 2017.
  - 1.3 A revised Statement of Principles has been prepared and is included in Appendix A.
  - 1.4 The Council has a duty to consult on the proposed policy and officers are seeking approval to conduct the consultation.
  - 1.5 Following consultation, a further report will be presented to the Licensing Committee on 22 November 2018 with the results of the consultation and seeking approval to the draft Statement of Principles for adoption at Council on 12 December 2018.
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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 Policy 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 Act was designed to be a light touch piece of legislation covering a wide range of licensable activities such as adult gaming centres and betting premises.
- 2.4 The Act specifies that Local Authorities should "aim to permit" gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by starting out to prevent it altogether.

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 Policy (Appendix A) provides additional clarity in some areas of the Policy taken from the Guidance published by the Gambling Commission (5th Edition, September 2015). The amendments to the previous statement are highlighted using track changes in Appendix A. There are no changes to the intent or direction of the Policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making

2.7 From April 2016, all industry operators have had to undertake local area risk assessments to explore what risks gambling venues pose to the licensing objectives, including the protection of young and vulnerable people. The Local Area Profile, acts as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments.

2.8 The Statement has amended the section on the Council's expectations around operators local risk assessments. This will enable the Council to regulate local gambling more effectively by being able to hold operators to account if their assessments fall short of the Council's expectations.

2.9 It is therefore proposed that the 12 week consultation will commence on 23 July 2018 and will incorporate all the consultees named in the current policy and be made generally available on the Council's consultation portal.

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### **3 AVAILABLE OPTIONS**

**3.1** The Act requires the Council to review its Statement of Gambling Principles every 3 years and requires that we consult on the proposed statement of principles. A review of the Statement has been completed.

**3.2** Following consultation, a further report will be presented to the Licensing Committee requesting a recommendation to adopt the Statement of Principles at Full Council.

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### **4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

**4.1** A comprehensive updated policy 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' policy in place.

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## 5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

### 5.1 N/A

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## 6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

### 6.1 12 week consultation

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## 7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<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>	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	[Head of Service or Manager]

	legitimacy of any decisions made.	
<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 Policy with track changes

## 9 BACKGROUND PAPERS

- Gambling Commission Guidance to licensing authorities 5<sup>th</sup> edition, September 2015  
<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>
- Existing Statement of Principles  
[http://www.maidstone.gov.uk/\\_data/assets/pdf\\_file/0004/164686/Gambling-Licensing-Policy-April-2017.pdf](http://www.maidstone.gov.uk/_data/assets/pdf_file/0004/164686/Gambling-Licensing-Policy-April-2017.pdf)
- Licence Conditions and Codes of Practice for Operators  
<http://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice-April-2018.pdf>