

	REPORT TO CABINET TO BE HELD ON 17 APRIL 2018	
	Key Decision	YES
	Forward Plan Ref No	
Corporate Priority: Meets all Corporate Priorities	Cabinet Portfolio Holder	Cllr Bill Chatt

REPORT OF: THE DIRECTOR (LD) – 18/73

WARDS AFFECTED: All

SUBJECT: REVIEW OF COUNCIL'S STATEMENT OF LICENSING POLICY – GAMBLING ACT 2005

RECOMMENDATION(S):

That Cabinet approve the Council's revised draft Gambling Licensing Policy attached as an Appendix to this report prior to going out to formal public consultation.

REASON FOR RECOMMENDATION (S):

In accordance with the Gambling Act 2005 the Licensing Authority is required to publish a statement of policy every successive three year period from the first appointed day which was 31 January 2007. The Policy is now due to be revised to cover the next successive 3 year period: January 2019 to January 2022.

HIGHLIGHTED RISKS:

Failure to update the revised Gambling Policy will result in an outdated Policy that does not reflect changes to relevant legislation, associated guidance and local circumstances.

1. INTRODUCTION

- 1.1 Section 349 of the Gambling Act 2005 (“the Act”) requires all Licensing Authorities to prepare and publish a Statement of Principles in the form of the Gambling Licensing Policy (“the Policy”) that it proposes to apply in exercising its functions under the Act during the three year period to which the Policy applies.
- 1.2 The Council’s Policy has been revised on a number of occasions since 2007 and it is now time to revise this Policy to cover the next three year period: January 2019 to January 2022.
- 1.3 Officers have carried out a comprehensive review of the Policy. This report details the outcomes of the review, Members are asked to consider and comment on the draft revised Policy at Appendix 1 and agree a public consultation on the Policy.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The issues raised in this report impact upon all four of the Council’s objectives.

3. BACKGROUND AND ISSUES

- 3.1 The Act states that before each successive period of three years a Licensing Authority must prepare a statement of the principles that it proposes to apply in exercising its functions under this Act during that period and to publish a statement in accordance with Regulations.
- 3.2 In 2006 an Order came into force setting the First Appointed Day as 31 January 2007 with separate Regulations setting out the requirements as to the form and publication of a statement or a revision of that statement.
- 3.3 Section 349(2) of the Act states that a Licensing Authority shall review its statement policy from time to time and if it thinks it necessary in the light of that review, revise the statement and publish the revision before giving it effect.

4. CONSULTATION

- 4.1 The Act requires the Council to keep its Policy under review and make revisions, as it considers appropriate. If it makes revisions, the Council must consult on any changes before determining and publishing an amended Policy.
- 4.2 The Policy was considered by the Council’s Licensing Committee on 12 March 2018. The Committee recommended the Policy be approved for public consultation subject to the addition of Parish Councils as a consultee, and a

minor amendment to paragraph 5.30 of the Policy in respect of Under-18s accessing Category C gaming machines.

- 4.3 Officers propose a three-month consultation period from 1 May to 31 July 2018.

5. ASSESSMENT

- 5.1 The Policy is the primary document for setting out the Council's local approach to gambling regulation. Officers have assessed the existing Policy and concluded that it would be appropriate to make revisions to incorporate changes in the Gambling Commission's Guidance to Licensing Authorities (GLA); whilst also changing the layout and style of the Policy to make it easier to read and understand.
- 5.2 The Commission's revised GLA recommends a number of changes for local authorities that fall under three broad themes:
- a) increased focus on risk and regulation
 - b) greater attention to local area risk, and
 - c) encouraging partnership and collaboration between stakeholders to mitigate risk
- 5.3 In particular the Commission recommends that local authorities create new and unique localised policies and also carry out an assessment of their local environment called a 'local area profile' (LAP) to identify the local risk of gambling-related harm and to inform the Policy. Risk in this context includes potential and actual risk and can take into account possible future and emerging risks.
- 5.4 Completion of a LAP is not compulsory however it is recognised that there are significant benefits for both the Council and operators, in having a better awareness of the local area in relation to gambling-related risks. However, the creation of a LAP is dependent on information and knowledge of the local area gathered by partner agencies and other relevant organisations that have the expertise and knowledge of the impact gambling may have. Officers intend to carry out an assessment to identify the areas of concern and publish a LAP separate to this Policy document.
- 5.5 In addition the Commission has introduced social responsibility provisions to its Licensing Conditions and Codes of Practice (LCCP) which require operators of premises-based gambling businesses, to conduct risk assessments in relation to local circumstances. This requires operators to obtain a good understanding of the potential, actual and emerging local risks in relation to gambling and to implement appropriate measures to mitigate the risk.
- 5.6 The draft Policy at Appendix 1 has been re-ordered to improve the general layout of the document and to make it easier for readers to reference whilst continuing to comply with the Act and GLA. For this reason a direct

comparison between the Policies is not possible but the key differences are set out below and in the summary of changes at Appendix 2.

6. IMPLICATIONS

Policy

- 6.1 This report does recommend substantial changes to the Policy pending formal consultation.

Legal

- 6.2 It is a statutory requirement for the Council to review this Policy every successive three year period.

Financial Implications

- 6.3 The costs involved in undertaking the review have been met from existing budgets.

Equality and Diversity

- 6.4 There are no implications.

Crime and Disorder

- 6.5 Under s17 of the Crime and Disorder Act 1998 the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.

7. ACTION PLAN

- 7.1 If Cabinet approve the revised draft Policy it is proposed that formal consultation takes place over a three-month period from 1 May to 31 July 2018.
- 7.2 Following consultation a further report will be submitted setting out any proposed amendments, if any, as a result of consultation comments.



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Background Papers:

Current Gambling Policy

Gambling Act 2005

Gambling Commission Guidance to Licensing Authorities

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	20/02/2018	Legal challenge or appeal against Policy if not revised.	Legal costs against the Council.	Timely revision of the Policy following public and statutory consultation	B2	A1	Jonathan Bramley	None

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
			A	B	C	D
		Likelihood				

Likelihood:

A = Very Low

B = Not Likely

C = Likely

D = Very Likely

E = Almost Certain

Impact

1 = Low

2 = Minor

3 = Medium

4 = Major

5 = Disaster