

REPORT TITLE: REVIEW OF STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

6 DECEMBER 2018

REPORT OF PORTFOLIO HOLDER: Cllr Jan Warwick, Portfolio Holder for Environment

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WARD(S): ALL

PURPOSE

The City Council as the Licensing Authority is required to review and publish its Statement of Principles under the Gambling Act 2005 every three years. The next review is due for adoption in January 2019.

This report seeks to make minor amendments to the Statement of Principles as detailed in the report.

RECOMMENDATIONS:

1. That the reviewed Draft Statement of Principles at Appendix 1, including any amendments by the Licensing and Regulation Committee, be approved for consultation as detailed in paragraphs 11.7 to 11.10 of the report.
2. That following the consultation period, should no comments be received, that the Draft Statement of Principles as sent out for consultation be recommended for adoption at the next available Council meeting.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 The Statement of Principles relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

2 FINANCIAL IMPLICATIONS

- 2.1 None

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Statement of Principles must be reviewed every three years as required by the Gambling Act 2005.

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 The proposed changes to the Licensing Policy will go through a full consultation process following approval at the Licensing and Regulation Committee on 6 December 2018 – see paragraphs 11.7 to 11.10 below.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 None

8 EQUALITY IMPACT ASSESSEMENT

- 8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	
<i>Community Support</i>	All elected Members and Parish Clerks will be consulted.	
<i>Timescales</i>	The current Statement of Principles will be live until the reviewed version has been adopted.	
<i>Project capacity</i>	N/A	
<i>Financial / VfM</i>	N/A	
<i>Legal</i>	The Statement of Principles could be challenged by Judicial Review, but as the Council's decision-making process is lawful, a challenge is considered unlikely.	
<i>Innovation</i>	N/A	
<i>Reputation</i>	The Statement of Principles sets out the expectations of applicants and licence holders to balance the ability to provide gambling facilities, which is held in a fair and open way, whilst ensuring that there is suitable protection for vulnerable people.	
<i>Other</i>	N/A	

11 SUPPORTING INFORMATION:Introduction

- 11.1 This report has been written by Carol Stefanczuk, Licensing Manager, on behalf of the Licensing Authority.
- 11.2 The Licensing Authority is required under Section 349 of the Gambling Act 2005 to prepare and publish a "Statement of Principles" every three years.
- 11.3 The current Statement of Principles was adopted by full Council on 4 November 2015, for the period of 31 January 2016 to 31 January 2019.

11.4 The Act contains three licensing objectives that underpin the functions that the Commission and Licensing Authorities perform and which are central to the regulatory regime. They are:

- 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.

Changes proposed

11.5 The Draft Statement of Principles at Appendix 1 details the proposed changes which are shown tracked.

11.6 The changes are minor, as set out below:

- a) Page 3. Update the number of gambling premises to reflect the number of current licences.
- b) Pages 3 and page 7. Update the list of consultees who represent the interests of persons carrying on gambling businesses.
- c) Page 10. Include the proposal to consult the Director of Public Health on all new premises licence applications.

Reason: Although the Director of Public Health is not a Responsible Authority, it is considered that they have a role to play when considering gambling premises in the Winchester City Council district.

- d) Page 16. Add a requirement that when applicants are producing their risk assessments for new premises licences, that they consider how vulnerable people and with gambling dependencies are protected and that risk assessments should be kept on the premises and made available for inspection by an Authorised Person.

Reason: These are recommendations by the Gambling Commission.

- e) Pages 36 & 37. Removal of stakes and prizes.

Reason: The stakes and prizes are due to be amended by central Government and therefore it's wise to completely remove these from the Statement of Principles and refer to current regulations at the relevant time.

Consultation

11.7 Before adopting the Statement of Principles, the Council will consult:-

- The Chief Constable of Hampshire Constabulary
- One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the district, e.g. the Association of British Bookmakers.
- One or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act, e.g. all Ward Members.

11.8 The consultation period will run from 20 December 2018 to 20 January 2019. The draft Statement of Principles will be available to view on the Council's website.

11.9 If any comments are received, they will be reported to the Licensing and Regulation Committee on 21 February 2019, with the final version recommended for adoption at the full Council meeting on 28 February 2019.

11.10 If no comments are received, it is recommended that the Licensing and Regulation Committee allow the Draft Statement of Principles, as sent out for consultation, be submitted to full Council for adoption on 28 February 2019.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 Not applicable.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

LR 453 – Gambling Act Statement of Principles (Policy) – Draft – 8 October 2015

LR 450 – Gambling Act Statement of Principles (Policy) – Consultation Draft – 18 June 2015

Other Background Documents:-

Licensing Authority Bulletin re: Statements of Policy 2019-2022 issued by the Gambling Commission January 2018.

Gambling Statement of Policy 2019-2022 presentation issued by the Gambling Commission 15 March 2018

APPENDICES:

Appendix 1 –Draft Statement of Principles - November 2018