

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

28 FEBRUARY 2019

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

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WARD(S): ALL

PURPOSE

At the Licensing and Regulation Committee on 6 December 2018, Members resolved 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.

One comment was received in support of the changes and therefore did not require to be considered by the Licensing and Regulation Committee on 21 February 2019.

RECOMMENDATIONS:

1. That the Council adopt the Council's Statement of Principles as set out in Appendix 1.

IMPLICATIONS:1 COUNCIL STRATEGY OUTCOME

- 1.1 The Licensing Policy relates to the third Strategic Outcome; 'Improve the health and happiness of our community' by supporting the delivery of a programme of events across the District.
- 1.2 It also 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 Income and expenditure is forecast to remain at existing levels and within the current approved budgets.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Gambling Statement of Principles must be reviewed every three years under 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 consultation period was held from 20 December 2018 to 20 January 2019.
- 6.2 The consultation was available on the Council's website. In addition, the following parties were directly consulted:-

Chief Constable of Hampshire Constabulary	Police and Crime Commissioner for Hampshire
Hampshire Constabulary - Licensing	Hampshire Fire and Rescue Service
Environmental Health - Winchester City Council	Development Management - Winchester City Council
Community Safety – Winchester City Council	Child Protection – Hampshire County Council
All Members – Winchester City Council	All Parish Clerks

Winchester Pub Watch	Winchester BID
Association of British Bookmakers Ltd	BACTA
Regal Gaming and Leisure	Winchester Automatics Limited
Gamblers' Anonymous	Gam Care
National Problem Gambling Clinic	Winchester Citizens Advice Bureau
Bishops Waltham Citizens Advice Bureau	Hampshire Hospitals NHS Foundation Trust
Diocesan Registrar – Winchester & Portsmouth	The United Church, Winchester
Trinity Centre	Winchester Night Shelter
Friends of the Family	Winchester Youth Counselling
Olive Branch Counselling	Homestart Hampshire
Winchester Young Carers	Street Reach
Dransfields	Punch Taverns
Fuller Smith & Turner	Greene King Retailing Limited
Enterprise Inns Plc	Marstons Plc
Wadworth & Co. Ltd	Gambling Commission
Gambling Commission – Local Compliance Manager	

6.3 One comment was received by Sergeant Julian Ainsworth, responsible for Licensing and Harm Reduction at Hampshire Constabulary (see 11.6 below).

7 ENVIRONMENTAL CONSIDERATIONS

7.1 None

8 EQUALITY IMPACT ASSESSEMENT

8.1 There is a need to have a regard to the public sector duty of equality when reviewing the Licensing Policy.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	
<i>Community Support</i>	All elected Members and Parish Clerks were consulted on the Policy review.	
<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 The Licensing Authority is required under Section 349 of the Gambling Act 2005 to prepare and publish a "Statement of Principles" every three years.
- 11.2 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.
- 11.3 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.

Review of Statement of Principles

- 11.4 Officers reviewed the Statement of Principles to take into consideration recommendations by the Gambling Commission and make other minor amendments.
- 11.5 At the meeting of the Licensing and Regulation Committee on 6 December 2018, Members resolved 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. Report LR515 refers.
- 11.6 Consultation took place between 20 December 2018 and 20 January 2019. One comment was received from Sergeant Julian Ainsworth, responsible for Licensing and Harm Reduction at Hampshire Constabulary, stating that he had no concerns from a Police perspective to the content/amendments to the Policy.
- 11.7 The reviewed Statement of Principles can be found at Appendix 1 of the report.
- 12 OTHER OPTIONS CONSIDERED AND REJECTED
- Not applicable.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

LR515 – Review of Statement of Principles under the Gambling Act 2005 – 6 December 2018

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 Statement of Principles for the period 31st January 2019 until 31st January 2022