

LICENSING COMMITTEE - 5 DECEMBER 2018

PART I – NOT DELEGATED

5. GAMBLING ACT 2005 - REVIEW OF STATEMENT OF LICENSING POLICY (DCES)

1 Summary

- 1.1 This report seeks Members' approval to adopt the amended Statement of Gambling Principles and Policy for the period 2018–2021 (hereafter referred to as "the draft Statement of Policy"). The amended Statement of Policy must be published no later than 3 January 2019 to come in to force by 31 January 2019. This will replace the current Statement of Policy (2016 – 2019) which was agreed in December 2015.
- 1.2 On 15 October 2018 Members of the Committee agreed the draft Statement of Policy to be sent out for consultation and confirmed the continuation of a 'No Casinos' policy.
- 1.3 This report follows the consultation period which commenced on 19 October 2018 and comes to an end on 3 December 2018.
- 1.4 Following consultation the recommendation is that Members adopt the draft Statement of Policy as consulted upon including the confirmation of the 'No Casinos' policy.

2 Details

- 2.1 The Gambling Act 2005 ("the Act") which fully came into force on 1 September 2007 introduced a new regime for commercial gambling to be conducted by the Gambling Commission and by Licensing Authorities depending on the matter to be licensed.
- 2.2 In exercising its functions under the Act, the Council must have regard to the licensing objectives which are set out in Section 1 of the Act, namely:
 - 2.3 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 1. Ensuring that gambling is conducted in a fair and open way, and
 2. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.4 Under the Act it states that a licensing authority shall before each period of three years prepare and publish a statement of principles (the draft Statement of Policy). The statement of policy forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment.
- 2.5 The Council has previously passed a 'No Casinos' resolution under Section 166(5) of the Act. This was passed by Full Council on 17 October 2006. Members confirmed at the previous Committee that the 'No Casinos' policy would continue to form part of the agreed Statement of Policy if adopted.

- 2.6 The Gambling Commission guidance states that statements of policy should be published no later than 3 January 2019.
- 2.7 The purpose of this proposed draft Statement of Policy is to include new legislation, to make the policy more robust, enforceable and to ensure it is in force by 31 January 2019. Members should be made aware that in the absence of a statement of policy the Council would not be able to exercise its function under the Act.
- 2.8 The changes to the current Statement of Policy are shown by the track changes at Appendix IV. A clean version is also provided at Appendix V. The main changes include:
- Introduction of local risk assessments
 - Inclusion of information about multiple premises licences
 - New information concerning reviews and appeals
 - Changes to wording to make policy more robust
 - Inclusion of the “No Casinos” resolution

3 Options and Reasons for Recommendations

- 3.1 In preparing the statement of policy or any revision of it, the Council has undertaken a consultation process. This was required before it can take effect.
- 3.2 The consultation process commenced following Members’ agreement to the draft Statement of Policy at the Extraordinary Licensing Committee on 15 October 2018. The list of Consultees is set out at Appendix 1 of the draft Statement of Policy (which is attached at Appendix V of this report). The consultation letter which was sent out is attached at Appendix I of this report.
- 3.3 No comments have been received to date as part of the consultation exercise which at the time of writing the report is still on-going. Any future comments received will be verbally updated at the Committee.
- 3.4 Following the expiry of the consultation period and discussion at Committee there are 2 options:
- Option 1 – Recommend to Council that they adopt the amended Statement of Policy.
- Option 2 – To recommend to Council to confirm the continuation of a ‘No Casinos’ Policy within the adopted Statement of Policy.

4 Financial Implications

- 4.1 There will be no financial implications.

5 Legal Implications

- 5.1 The Act must be adhered to in this process.
- 5.2 If the Statement of Policy is not brought in to force in the time scales outlined above, the Council will not have a policy to work to under the Act. A Statement of Policy sets out the principles of the Council and its

expectations in respect of applications and representations made in respect of those applications. The Statement gives general information on how the licensing process will be carried out and indicates the expectations of the Council in assisting it to make its judgements on individual applications, and in carrying out its enforcement role. The Statement is vital in the Council's exercise of its powers under the Act.

6 Equal Opportunities Implications

6.1 Relevance Test

<p>Has a relevance test been completed for Equality Impact? There will be no effect to equal opportunities with the proposed changes to the policy.</p>	No
<p>Did the relevance test conclude a full impact assessment was required? The recommended changes to the policy would not cause an impact to licence holders, new applicants or local residents.</p>	No

6.2 Impact Assessment

No impact statement required.

7 Staffing Implications

7.1 There are no staffing implications as a result of agreeing the recommendations.

8 Environmental, Community Safety, Public Health and Customer Services Centre Implications

8.1 None specific.

9 Communications and Website Implications

9.1 A copy of the policy will be publicised on Three Rivers District Council website <http://www.threerivers.gov.uk/Default.aspx/Web/Licensing1>. It can also be published via TRDC social media platforms if required. There are no other communications and website implications.

10 Risk Management and Health & Safety Implications

10.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

10.2 The subject of this report is covered by the Regulatory Services service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

10.3 There are no risks to the Council in agreeing the recommendation(s).

10.4 There are however risks to the Council in rejecting the recommendation(s).

The following table gives the risks that would exist if the recommendation is rejected, together with a scored assessment of their impact and likelihood:

Description of Risk		Impact	Likelihood
1	There is significant risk to the Council if the Gambling Act Statement of principles is not updated as we would not be following Government guidelines and there would be potential to be called for a judicial review.	III	C

10.5 The above risks are plotted on the matrix below depending on the scored assessments of impact and likelihood, detailed definitions of which are included in the risk management strategy. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood are plotted in the shaded area of the matrix. The remaining risks require a treatment plan.

Likelihood	A						Impact	Likelihood
	B						V = Catastrophic	A = >98%
	C			1			IV = Critical	B = 75% - 97%
	D						III = Significant	C = 50% - 74%
	E						II = Marginal	D = 25% - 49%
	F						I = Negligible	E = 3% - 24%
		I	II	III	IV	V		F = <2%
Impact								

10.6 In the officer's opinion the risk identified above, were it to arise, would not seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of treatment plans is reviewed by the Audit Committee annually.

11 Recommendation

11.1 That Members of the Committee:

1. Recommend to Council that they adopt the amended Statement of Policy.
2. To recommend to Council to confirm the continuation of a 'No Casinos' Policy within the adopted Statement of Policy.

Report prepared by: Lorna Fryer, Lead Licensing Officer

Data Quality

Data sources:

Gambling Act 2005

Statutory Guidance issued by the Gambling Commission and associated

Codes of Practice

The Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales)
Regulations 2006

Consultation documentation and responses

Data checked by: Matthew Roberts, Team Leader, Development Management

Data rating:

1	Poor	
2	Sufficient	
3	High	X

Background Papers

APPENDICES / ATTACHMENTS

Appendix I – Consultation letter

Appendix II – Consultation responses – none received to date, an update will be provided at the Committee meeting.

Appendix III – Councillors Guide to Statement of Policy (prepared by the Gambling Commission)

Appendix IV – Changes to current Statement of Licensing Policy

Appendix V – Clean version: Statement of Licensing Policy 2019-2022 (to be adopted)