

## LICENSING COMMITTEE – 9 OCTOBER 2018

### FOURTH REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

**Cabinet Member(s):** Colin Slade

**Responsible Officer:** Simon Newcombe, Group Manager for Public Health and Regulatory Services

#### REASON FOR REPORT:

Mid Devon District Council is required to set out and formally adopt a Statement of Principles advising how it will carry out its duties under the Gambling Act 2005. That statement has to be reviewed every three years and this is its fourth review.

#### RECOMMENDATIONS:

It is recommended that the Statement of Principles (attached as Annex 5) is adopted as the new policy and the Licensing Committee is asked to make this recommendation to Full Council on 24 October 2018. It will have effect from 31 January 2019.

**Relationship to Corporate Plan:** This proposal links directly to the licensing function with the aim of ensuring the safety and wellbeing of our community.

**Financial Implications:** None that are not contained within existing resources.

**Legal Implications:** The Council is required to adopt a Statement of Principles.

**Risk Assessment:** If the Statement of Principles is not properly adopted it could be subject to legal challenge.

**Equality Impact Assessment:** No equality issues identified for this report.

**Consultation carried out with:** S.349 of the Gambling Act 2005 requires that the licensing authority consult the Chief Officer of Police; one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

## **1.0 INTRODUCTION**

- 1.1 The Gambling Act 2005 (“the Act”) came into force on 1 September 2007 and consolidated regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling in one Act.
- 1.2 The Act also created a new unified industry regulator, the Gambling Commission, which has responsibility for advising both central and local government on issues relating to gambling.
- 1.3 Mid Devon District Council has responsibilities under the Act to issue premises licences, permits and notices in respect of premises where it is proposed that gambling take place. The Council is also responsible for the registration of Small Society Lotteries.
- 1.4 The Act was based on three key principles, which are set out in section 1 of the Act:
- Gambling should not be a source of crime or disorder, associated with crime or disorder or be used to support crime;
  - Gambling should be conducted in a fair and open way;
  - Children and other vulnerable people should be protected from being harmed or exploited by gambling.
- 1.5 Section 349 of the Act requires all licensing authorities to prepare and publish a Statement of Principles that they intend to apply in exercising their functions under the Act. The Statement of Principles will last a maximum of three years.
- 1.6 The current Statement of Principles for Mid Devon District Council was formally adopted on 4 December 2015 and came into force on 31 January 2016. It is therefore due to be reviewed.

## **2.0 REVISED STATEMENT OF PRINCIPLES**

- 2.1 The Act requires that the Statement of Principles be reviewed on a three yearly basis. The proposed Statement of Principles that was consulted on is attached as Annex 1.
- 2.2 As with previous versions, the new Statement of Principles has been written in pursuant to the provisions of the Gambling Act and also takes account of the Guidance issued under Section 25 of the Act by the Gambling Commission. This guidance provides a clear steer on what Statements of Principles should look to cover.
- 2.3 The Devon Licensing Officer Group also met to consider the amendments / additions that may be required to the Statement of Principles.

## Amendments to the Statement of Principles

- 2.4 The suggested amendments are made for three main reasons; in response to legislative changes; to clarify issues; and minor structural changes to aid the flow of the document. A general overview of the main changes is given below. Amendments considered minor are not listed.

### Summary of machine provisions, categories and entitlements (previously Appendix B, C and D)

- 2.5 The previous tables have been removed as Appendices and replaced with links to where this information is available online via the Gambling Commission website. This ensures the information provided is up to date.

### Information regarding inspections and Local Area Risk Assessments

- 2.6 A note was included to say that during inspections, officers may check that the Local Risk Assessment completed for the premises is available and up to date. Additionally, later in the Policy it states that a copy of it should be kept on the premises and that the document itself should be reviewed on an annual basis.

### Significant changes to premises

- 2.7 The use of privacy screens has been included as an example of a potential significant change.

### Access between premises

- 2.8 Additional information has been included on this and the requirement for there to be no direct access between certain premises.

### Children and other vulnerable people to be protected from harm

- 2.9 The policy now requires gambling premises to have in place policies and measures to ensure children and vulnerable people are protected from harm or being exploited by gambling. It states that harm is not limited to gambling activities, and can also include wider safeguarding issues, like sexual exploitation.

## **3.0 CONSULTATION**

- 3.1 S.349 of the Act requires that licensing authorities consult with:

- The chief officer of police
- Representatives of gambling businesses
- Representatives of people who, in the opinion of the authority, are likely to be affected by the exercise of the function.

- 3.2 The consultation took place between 11 June 2018 and 10 August 2018.
- 3.3 The draft policy was published on the Council's website and specific letters / emails were sent to:
- Association of British Bookmakers
  - British Amusement and Catering Trade Association
  - British Beer and Pub Association
  - Citizens' Advice Bureau
  - Community Safety Partnership
  - Churches Housing Action Team
  - Devon & Cornwall Constabulary
  - Devon County Council – Local Safeguarding Children's Board
  - Devon County Council – Social Services / Education Department
  - Devon and Somerset Fire and Rescue Service
  - Environmental Health (MDDC)
  - Certain existing licence holders / representatives
  - Federation for Small Business (Mid Devon)
  - Gamblers Anonymous
  - Gambling Commission
  - GamCare (a body that helps people with gambling problems)
  - Mencap
  - NSPCC
  - Planning (MDDC)
  - Primary Care Trust
  - Town and Parish Councils
- 3.4 Three responses were received and these were from HM Revenue and Customs (to update address details), Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB) and GamCare. The responses from ABB and Gamcare are attached as Annexes 2 and 3 respectively. The response from Gamcare is not specific to our proposed policy, but rather a response to all licensing authorities listing a range of issues and factors that may be considered.
- 3.5 Specific comments from the responses received and recommended amendments to the Statement of Principles based on them are attached as Annex 4. Only one comment from the Gamcare response is included within this Annex, and this is the one that has led to a slight amendment to the proposed policy.
- 3.6 Additionally, Annex 4 contains some suggested amendments that are considered to be relatively minor points. They are intended to clarify matters and provide a bit more information where possible.
- 3.7 An updated Statement of Principles reflecting the proposed amendments outlined in Annex 4 is attached as Annex 5. This is the final proposed Statement of Principles for adoption.

#### **4.0 RECOMMENDATION**

4.1 It is recommended that the Statement of Principles (attached as Annex 5) is adopted as our new policy and the Licensing Committee is asked to make this recommendation to Full Council on 24 October 2018. It will have effect from 31 January 2019.

#### **5.0 TIMESCALE**

5.1 The Council, as the licensing authority for the gambling function, is required to publish the adopted Statement of Principles no later than four weeks before the day on which it comes into effect. The policy will take effect on 31 January 2019 and a draft copy of the notice for publication is attached as Annex 6. It will be published on the Council's website, on the notice board of Phoenix House and also in the public libraries of Cullompton and Crediton. It is proposed that it will be published in December, thus fulfilling our statutory requirements.

#### **ANNEXES TO REPORT**

- ANNEX 1: Draft Statement of Principles (consultation version)
- ANNEX 2: Response from Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB)
- ANNEX 3: Response from GamCare
- ANNEX 4: Table of responses, comments and recommendations
- ANNEX 5: Updated Statement of Principles (proposed for adoption)
- ANNEX 6: Draft copy of the notice of publication

<b>Contact for any more information</b>	Mr Tom Keating (01884) 244618 Mr Jeremy Pritchard
<b>Background Papers</b>	Gambling Commission Guidance to Licensing Authorities / Previous Statement of Principles
<b>File Reference</b>	Licensing/Gambling Act 2018
<b>Circulation of the Report</b>	Licensing Committee