

## LICENSING COMMITTEE

12 NOVEMBER 2015

### REPORT OF THE DIRECTOR ASSETS AND ENVIRONMENT

#### REVISED GAMBLING ACT 2005 STATEMENT OF PRINCIPLES 2016 - 2019

##### Recommendations

To advise the Committee of the revised Gambling Act 2005 consultation and to request endorsement of the revised Statement of Principles 2016-2019.

##### Purpose

It is a requirement of the Gambling Act 2005 that the Council consults and publishes a revised Statement of Principles in respect of the requirements of the Act.

##### Executive Summary

Section 349 of the Gambling Act 2005 requires Tamworth Borough Council, as a licensing authority, prepare and publish a Statement of Principles every three years. The Council's Statement of Principles is due for revision by January 2016. The Statement will last for a 3 year period but may be reviewed at any time prior to this by the authority.

In response to this requirement a revised Statement of Principles has been prepared and is included at **Appendix 1** of this report. There are revisions identified at **Appendix 2** following a 3 month consultation period from 1 August – 31 October 15 that generated comments at **Appendices 3-8**.

It is a further requirement of the Act that the revised Principles must be approved at a full meeting of full Council. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies defined by the Act. Additionally the authority is empowered to consult with other organisations as is deemed appropriate.

The Statement of Principles is required to clearly place the promotion of the licensing objectives of the Act as central to its purpose. These are:

- Preventing gambling from being used as a source of crime or, being associated with crime and disorder, or used to support crime.
- Ensuring gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The purpose of the Principles is to give further clarity to the approach the authority will take in interpreting these requirements.

The Statement must be produced in consultation with persons and bodies stipulated by the Act. These are:

- The Chief Officer of police for the Authority's area.
- Persons who appear to the authority to represent the interests of Gambling interests of gambling businesses in the area.
- Persons who appear likely to represent or have interests likely to be affected by the authority's functions under the Act.

This list is deliberately wide and encourages authorities to undertake a comprehensive approach to consultation.

In determining its policy the authority must have regard to the guidance issued to accompany the Act, and give appropriate weight to representations made with regard to:

- The interest and expertise of the person making the representation.
- The motivation of those making representations.
- How many people have expressed similar views.
- How far representations relate to matters that should be included in the principles.

In undertaking the consultation the authority is encouraged to use a variety of means to engage with interested parties. It is recommended that 12 weeks be allowed for the period of consultation and the relevant documents are provided on the licensing authority's web site, [www.tamworth.gov.uk](http://www.tamworth.gov.uk) .

## **Background**

Tamworth Borough Council is the Licensing Authority, and is required to discharge it's responsibilities under the Act with a view to promoting the three licensing objectives, namely:

- 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.

The Gambling Act 2005 was designed to be light touch legislation covering a number of "licensable activities". Such activities are defined within the Act.

Since starting on the revised statement the Gambling Commission has issued a new consultation document (end of March 2015) the main focus of the consultation is on the Statement of Principles or Gambling Policy, and that the policy statement should now reflect:

- Local concerns, risk and features of the gambling landscape – for example demographics, socio –economic profile and the mix of gambling provided or desired.
- The importance of the statement as a regulatory tool and should also reflect the commission’s recent consultation on social responsibilities controls particularly around local risk assessments.

All councils will now be required to re-write their policies and have them in place for January 2016.

It is a further requirement of the Act that the revised Statement of Principles must be approved at a full meeting of the Council. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies defined in the Act. A list of these and other organisations that the authority is to consult with are detailed in the Revised Statement.

Comments received from those bodies consulted will be incorporated into the revised Principles. Licensing Committee will receive a revised Statement of Principles for consideration (following completion of the consultation process). Members will be requested at this time to make any comments to Cabinet and then full Council for formal adoption of the Principles. The following timetable is proposed in respect of consultation, amendment and adoption of the Statement of Principles:

<b>Action</b>	<b>Date</b>
Revised Statement of Principles published for consultation	August 2015 – October 2015
Licensing Committee receive revised Statement of Principles for comment	12 November 2015
Cabinet to make a recommendation to full Council	26 November 2015 or 10 December 2015
Council for adoption	15 December 2015

### **Financial Implications**

The majority of fees chargeable are fixed at national level with the remainder set by individual authorities, it is intended that any cost will be met within existing resources.

### **Legal/Risk Implications**

The publishing of a Statement of Principles is a legal obligation of the Council.

**Community Safety - (Crime and Disorder Act 1998).** The objectives of the Gambling Act seek to ensure that communities are protected from unfair trading,

crime and disorder and that vulnerable people and children are not exploited in any way by gambling.

**Equality & Diversity** – The impact of these proposals is assessed as ‘low’ against the Council statutory responsibilities.

**Safeguarding** - One of the key objectives of the Gambling Act 2005 is ‘Protection children and other vulnerable persons from being harmed or exploited by gambling. Tamworth Borough Council’s Child Protection Team, are a Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

**Public Health** – The Licensing and Public Health teams work together within the council to ensure that the health impacts of Gambling are considered. With the Commissions proposed changes which offer Licensing Authorities the opportunity to carry out local area profiles, which will draw data about risk from a number of bodies including public health or to require operators to carry out their own premises risk assessments, Public Health will have a greater role in ensuring the vulnerable are better protected.

**Reputation** – The implementation and enforcement of the Gambling legislation will enhance the Council’s reputation. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Tamworth Borough Council in a position of being unable to undertake its statutory responsibilities and functions under the Act.

### **Sustainability**

The services for the regulation of Gambling contribute to the strategic priority of being healthier and safer in Tamworth.

### **Background Papers**

1. Guidance to Licensing Authorities, Gambling Commission March 2015.

### **Appendices**

1. Appendix 1 - Revised Statement of Principles 2016 - 2019.
2. Appendix 2 – Summary of Revisions 2016 - 2019.
3. Appendix 3 – Elected member comment dated 11 Aug 15.
4. Appendix 4 – Elected member comment dated 22 Aug 15.
5. Appendix 5 – Campaign for fairer gambling dated 4 Sep 15.
6. Appendix 6 – Planning and Regeneration dated 7 Oct 15.
7. Appendix 7 – Coral Racing Response dated 26 Oct 15.
8. Appendix 8 – Gosschalks Solicitors Response dated 30 Oct 15.

*“If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head of Environmental Health. Ext 437*