

Draft Statement of Principles (Gambling) 2016-2019

Executive Portfolio Holder: Cllr Peter Gubbins
Strategic Director: Vega Sturgess, Operations and Customer Focus
Assistant Director: Laurence Willis, Environment
Lead Officer: Anita Legg, Licensing Officer
Contact Details: anita.legg@southsomerset.gov.uk or (01935) 4562137

Purpose of the Report

- To provide background information concerning the new proposed Statement of Principles.
- To recommend that the Licensing Committee request officers to carry out a full consultation of the proposed Statement of Principles - as shown at the end of this report.
- To inform the Licensing Committee that at its meeting in October 2015, the committee will be required to consider recommending the finalised Statement of Principles to Full Council for consideration.

Recommendation

That the Licensing Committee requests officers to carry out an 8 week consultation process on the proposed Statement of Principles (Gambling) 2016-2019.

Background

In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Principles under the Gambling Act 2005; it is to be reviewed every three years and be the subject of a full consultation process. The next successive period starts 31 January 2016.

Report Detail

South Somerset District Council is the Licensing Authority, and is required to discharge its 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.

The Gambling Commission has issued a new consultation document (end of March); the main focus of the consultation is on the Statement of Principles which 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 should also reflect the commission's recent consultation on social responsibilities controls particularly around local risk assessments.

In order to incorporate the areas highlighted by the Gambling Commission, the draft copy Statement of Principles has been re-written. A list of the proposed changes is not included with this report because they are extensive with paragraphs re-worded and re-ordered with additional information included; therefore it is suggested that Licensing Committee treat it as a new document. A copy of the current Statement of Principles is attached as a separate document, as Appendix 1, for information.

The Statement, once adopted, is a material consideration to be taken into account when the Council is exercising any of its functions under the Act. In accordance with the Act and the Council's constitution, the Statement must be approved by full Council.

Consultation

When preparing its Statement, the Council is required to consult the police, persons representing gambling businesses and person representing the interests of people likely to be affected by gambling.

No initial consultation has been undertaken in the preparation of this draft prior to formal public consultation.

It is proposed that there is an 8 week consultation process so as to consider the views of those affected and the public of South Somerset. If members of Licensing Committee are content with the revised draft Statement of Principles, as currently shown at the end of this report, officers will conduct a formal consultation to take place from 14 August to 09 October 2015. Consultees will be encouraged to comment on-line wherever possible so that data is electronically captured.

Following consultation a further report will be submitted to the Licensing Committee on 13 October setting out any proposed amendments, (if any), as a result of consultation comments. Once the Licensing Committee formally approve the Policy post consultation, it will be submitted to full Council in December 2015 for adoption whereupon the Statement of Principles will be advertised and duly published in line with Regulations.

Financial Implications

There are no additional financial implications of the proposals contained within this report except for the cost of the consultation.

Implications for Corporate Priorities

The issues raised in this report impact upon the following objective as identified with the Council's Corporate Plan 2012-2015:

- Focus One – Jobs. Strong economy which has low employment and thriving businesses
- Focus Four – Health & Communities

Equalities Impact of the Proposal

The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

Environmental and Climate Change Considerations

There is minimal environmental impact of these proposals.

Other Implications

Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave South Somerset District Council in a position of being unable to undertake its statutory responsibilities and functions under the Act.

Under s17 of the Crime and Disorder Act 1998 the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.

Background Papers: *Gambling Act 2005*
Gambling Commission Guidance to Licensing Authorities
4th Edition Published September 2012 as amended 2013
Gambling Commission Draft Guidance to Licensing Authorities
5th Edition published March 2013
Guidance on Undertaking Local Gambling Risk Assessments –
City of Westminster
