

AGENDA ITEM NO. 6

LICENSING COMMITTEE

Date **19 APRIL 2016**

Title **Revised Statement of Gambling Policy- Gambling Act 2005**

1. PURPOSE/SUMMARY

To update Members on the outcome of the public consultation for the draft policy document and to recommend approval for the revised policy for the period of 2016-2019.

2. KEY ISSUES

- Consultation for the revised policy document took place from 10 February 2016 until 7 April 2016.
- No consultation responses were received in respect of the revised Statement of Gambling Policy during the consultation period.
- The Social Responsibility Code comes into effect on the 6th April 2016 and requires licensees to assess the local risks to the licensing objectives posed by their gambling operations at each of their premises and the need to have policies, procedures and control measures in place to mitigate those risks. Applicants wishing to make a variation to their existing licence will also be expected to undertake a local assessment when applying to vary the licence. Our policy document will be an integral part of the applicant’s policies, procedures and control measures.
- Members will need to consider the merits of local area profiling for the Fenland district

3. RECOMMENDATION

- Members consider the results of the consultation on the revised Statement of Gambling Policy for the period of 2016-2019.
- Recommend to Council that it adopts the revised Statement of Gambling Policy attached as Appendix A of the report.

All Wards

Forward Plan Reference No. (if applicable) Not applicable

Portfolio Holders Cllr. David Oliver, member with responsibilities for licensing.

Report Originator Kim Winterton, Licensing Regulatory Manager, tel: 01354 622542, email: kwinterton@fenland.gov.uk

Contact Officer	Dan Horn, Head of Housing & Community Support, 01354 654321, dhorn@fenland.gov.uk
Background Papers	The Gambling Act 2005 Gambling Commission Guidance to Local Authorities, 5 th Edition Current Gambling Policy Gambling Commissions Consolidated Licence Conditions and Codes of Practice (LCCP)

1 BACKGROUND

1.1 The Gambling Act requires each licensing authority to prepare and publish a statement of gambling policy. The policy statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the three licensing objectives namely;

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

1.2 The current Gambling Policy came into effect on the 31 January 2010.

1.3 The policy is to be renewed every three years and the revised document will cover a period of 2016 – 2019.

1.4 This report advises Members of the consultation that has taken place and confirms that no comments have been received in regard to the Council's draft Gambling Policy.

1.5 The general principles of the Gambling Policy remain the same and the document is still centered on the Gambling Act's three licensing objectives. However, consideration has now been given specifically to a new requirement on operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies and procedures and control measures to mitigate those risks. In making those risk assessments they must take into account relevant matters identified in the licensing authority's statement of licensing policy.

1.6 The local risk assessments must be reviewed when there are significant changes in local circumstances (including those identified in a licensing authority's statement of licensing policy), or at the premises, or when applying for a new or variation of a license.

1.7 Whilst the requirement for risk assessment does not take effect until April 2016, it is important that we take it into account in our revised statement.

1.7.1 The revised guidance also makes recommendations about licensing authorities completing and mapping their own assessments of local risks and concerns by developing local area profiles. Completion of a local area profile is not a

requirement on licensing authorities but there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risk. Risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

- 1.8 This Council has not drafted a local area profile and anticipated that consultees with relevant areas of concern would have raised those concerns during the consultation period for member's consideration. As indicated in point 1.4 there have been no comments or issues of concern received during the consultation period that took place from 10 February 2016 until 7 April 2016.
- 1.9 All statutory consultees were notified in writing of the draft Gambling Policy. Notification of the draft policy was also given to Town and Parish Councils, made available on the Council's website and was sent to licensed businesses, Responsible Authorities, resident associations and other public consultees as set out in the policy inviting them to comment.
- 1.10 Following public consultation, the revised draft Statement of Gambling Policy is now ready to be recommended for adoption at Full Council on 12 May 2016.

2 FINANCE

- 2.1 The financial implications associated with the recommendation are limited to publishing the statement of licensing policy and are covered by the associated licensing fees applicable to the licensing service.

3 LEGAL

- 3.1 Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy every 3 years. The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 sets out the legal requirements for preparing or publishing a statement or revision.
- 3.2 The licensing function is carried out the Council's Licensing Committee and by officers exercising their delegated powers, with the exception of the approval of the policy statement, which must be approved by Council.

4 COMMUNITY IMPACT

- 4.1 The Gambling Commission License conditions and code of practice provide a new requirement that from the 6 April 2016 Operators will have to provide a local risk assessment with new/variation applications. Operators will be required to assess the local risk to the licensing objectives at each of their premises and have policies, procedures and control measures to mitigate these risks. In preparing these risk assessments, licensees must take into account relevant matters identified in the Licensing Authority Statement of Gambling Policy.
- 4.2 Operators will be expected to identify the local risk factors surrounding the premises, which will differ from location to location. The Licensing Authority will consider the assessment and the measures implemented to mitigate those risks. Some control measures identified in the assessment may be put forward as conditions to be attached to the license to address any significant local concerns.

5 CONCLUSION

The Licensing Committee is recommended to:-

- consider the results of the consultation on the revised Statement of Gambling Policy for the period of 2016-2019.
- Recommend to Council that it adopts the revised Statement of Gambling Policy attached as Appendix A of the report.

Appendices:

Appendix A - Draft Statement of Gambling Policy