

Item

STATEMENT OF GAMBLING PRINCIPLES



To:

Licensing Committee 01/10/2018

Report by:

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Wards affected:

All

1. Introduction

- 1.1 Cambridge City Council, as the Licensing Authority, is required to discharge its responsibilities under the Gambling Act 2005 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; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.2 The Gambling Act 2005 was designed to be a light touch legislation covering a number of “licensable activities”. Such activities are defined within the Act.
- 1.3 The Statement of Gambling Principles is required to be reviewed every three years. The current statement runs until the end of January 2019 after which a revised Statement must be in place in order for the relevant duties to be undertaken.
- 1.4 Following review of the Statement, a 12 week consultation was undertaken; 2 responses were received.
- 1.5 After consideration, and minor amendment, the proposed 2019-2022 Statement is presented for consideration.

2. Recommendations

2.1 Members are recommended:

To endorse the post-consultation draft Statement of Gambling Principles shown in Appendix A and recommend to full Council that the Statement is approved for publication on 3rd January 2019, and for it to come into effect on 31st January 2019.

3. Background

3.1. The Gambling Act 2005 came fully into effect on 1 September 2007. It created a revised system of licensing and regulation for commercial gambling in this country. This Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. The main functions are to:

- licence premises for gambling activities;
- consider notices given for the temporary use of premises for gambling;
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries.

3.2 In addition, section 349 of the Gambling Act 2005 requires that the Council prepares and publishes a Statement of Principles that it proposes to apply in exercising its function under the Act, before each successive period of three years.

3.3 The Statement of Principles must be formulated in accordance with, and reflect, the guidance issued by the Gambling Commission and the Government Codes of Practice. The principles essentially inform the processes that the Council would normally follow in conducting its duties as the Licensing Authority.

3.4 The existing Statement of Gambling Principles for Cambridge City Council became effective in January 2016. Since this Statement was published, there has been only minor revision of the Gambling Commission guidance, with the latest guidance being produced in September 2016.

- 3.5 It is a requirement of the Act that the revised Statement 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 by the Act. Additionally the authority is empowered to consult with other organisations as is deemed appropriate.
- 3.6 Once any revised Statement is approved by full Council, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, requires licensing authorities to subsequently publish a notice of their intention to publish the Statement or revision. There are several specific requirements in undertaking this, including appropriate publication a minimum of 28 days before the Statement of Principles comes into effect.
- 3.7 With these legal requirements in mind, the revision process commenced in May 2018 with an officer review of the existing Statement of Principles taking into account the Gambling Act 2005 and the current guidance issued by the Gambling Commission. The draft revised Statement produced is shown in Appendix B, with the specific changes from the previous version shown in red.
- 3.8 Subsequently, the revised Statement was subject to a twelve week public consultation between 25th May 2018 and Sunday 17th August 2018. This was undertaken by directly contacting the relevant responsible authorities and resident associations and publishing the consultation on our website and in the Cambridge News on Friday 25th May 2018. A full list of those directly consulted can be found in Appendix B of the Statement of Principles (pages 45-48). Additionally all those holding a licence or permit in regards to gambling issued by Cambridge City Council were directly consulted.
- 3.9 A total of 2 responses were received to the consultation. One was from Gosschalks Solicitors on behalf of the Association of British Bookmakers and the other was from an individual. Both responses have been attached to the report as Appendix C.
- 3.10 Both responses were considered and Appendix D details the specific considerations and actions taken in relation to the consultation responses. Minor variations to the Statement proposed include a consideration of these responses.

- 3.11 It is also proposed in the draft Statement of Principles to retain the Local Area Profile but separate it from the policy and have it as a stand-alone document.
- 3.12 The primary reason for proposing the separation of the Statement from the Area Profile is in order to facilitate review of the Area Profile on a more regular basis, without the need to delay updates to fit into the formal statement consultation periods. In contrast if the Local Area Profile remained within the Statement of Principles, the licensing authority's view of local risks would be a consideration for local gambling regulation in the context of section 153 of the Gambling Act 2005.
- 3.13 In order for the Council's statutory duty to be fulfilled, the final Statement of Principles must be published no later than 3rd January 2019 so that it comes in to effect no later than 31st January 2019.

4. Implications

(a) Financial Implications

The review of the Statement of Principles is a statutory function, covered by the fees paid by Licence and permit holders.

(b) Staffing Implications

Existing staff resources will apply the Statement once finalised.

(c) Equality and Poverty Implications

This is a statutory policy and it promotes equal opportunities. The policy does not prohibit any person from making an application or objecting to an application where they have a statutory right to do so.

An Equalities Impact Assessment has been completed and is attached as Appendix E.

(d) Environmental Implications

There are no environmental implications that result from the draft policy.

(e) Procurement Implications

There are no procurement implications that result from the draft policy.

(f) Community Safety Implications

The Statement of Principles will ensure that in carrying out its statutory duties, the Licensing Authority will promote the licensing objectives.

5. Consultation and communication considerations

- 5.1 In accordance with Government Code of Practice on consultation, the draft Statement of Gambling Principles was submitted for public consultation over a twelve week period between 25 May 2018 and 17 August 2018.
- 5.2 Consultation was undertaken as widely as possible, with approximately 200 letters and emails being sent out, including the Chief Officer of Police and all other responsible authorities and interested parties as required by legislation, including persons/bodies representing holders of premises licences and gaming permits, businesses and residents associations. The consultation was also available to view on Cambridge City Council website and appeared in the Cambridge News on Friday 25 May 2018. A list of those consulted can be found in Appendix B, pages 45 - 48 of the current statement of principles.
- 5.3 Two comments were received and are listed in the attached Appendix C, which relates to specific written comments received in response to the draft policy. Consideration to all comments has been given in drawing up the Policy. Additionally, Appendix D shows the nature of the comment, the evaluation of the comment and the action taken.

6. Background papers

Background papers used in the preparation of this report:

- Gambling Act 2005
- Guidance published by the Gambling Commission in September 2015 and updated in September 2016.
- Existing Statement of Gambling Principles published in January 2016.

7. Appendices

Appendix A – Post consultation draft Statement of Principles

Appendix B – Statement of Principles showing changes made in red

Appendix C – Comments and Responses from Consultation

Appendix D – Evaluation and Response to Consultee Feedback.

Appendix E – Equality Impact Assessment

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Luke Catchpole, Senior Technical Officer, tel: 01223 - 457818, email: luke.catchpole@cambridge.gov.uk.