

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	26 November 2015
Subject:	Revision of Statement of Principles under the Gambling Act 2005
Report of:	Bhavdip Nakum, Licensing and Systems Officer
Corporate Lead:	Val Garside, Environmental and Housing Services Group Manager
Lead Member:	Cllr J R Mason
Number of Appendices:	2

Executive Summary:

This report proposes redrafting the Statement of Principles under the Gambling Act 2005 (Gambling Act Policy) to address the matters cited in this report followed by a six week consultation with public and relevant parties.

Recommendation:

- 1. To AGREE that a six week consultation be undertaken on the Gambling Act 2005: Statement of Principles 2016-2019; and**
- 2. TO RECOMMEND TO COUNCIL that the Gambling Act 2005:Statement of Principles 2016-2019 be ADOPTED with effect from 31 January 2016, subject to any relevant representations being received within the consultation period being reviewed by the Chairman and Vice-Chairman of the Licensing Committee.**

Reasons for Recommendation:

To ensure the Council effectively meets its obligations under the Gambling Act 2005.

Resource Implications:

Total cost of consultation process will be met from existing resources.

Legal Implications:

The principal legal implications are set out in the report. The Council has a statutory duty to have a policy and to keep it under review. It is important that the policy statement provides an open and transparent policy regarding the Council's functions under the Gambling Act 2005. The policy statement forms an essential part of the decision making process.

Risk Management Implications:

If the policy statement does not address all relevant matters, decisions taken by the Council under the Gambling Act 2005 could be subject to legal challenge.

Performance Management Follow-up:

If the Committee recommends a redraft, a Special Licensing Committee meeting will be held to approve the policy statement for consultation or recommend further amendments.

Environmental Implications:

None

1.0 INTRODUCTION AND BACKGROUND

1.1 Tewkesbury Borough Council approved the current Statement of Principles under the Gambling Act 2005 on 31 January 2013. The existing statement is attached at **Appendix A**.

1.2 Section 349 of the Gambling Act 2005 requires a licensing authority to prepare and publish a statement of its policy every three years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2005 Act. This policy is required to comply with extensive national guidance and any departures must be supported by evidence justifying a different policy approach.

2.0 DRAFT REVISED POLICY STATEMENT

2.1 The proposed Gambling Act 2005: Statement of Principles 2016-2019 is attached at **Appendix B** and includes two substantive changes relevant to licensing authorities;

- a) The optional inclusion of a Local Area Profile – this is essentially a way of describing a process of gathering and presenting information about a locality and any particular areas of concern within that, to explain and underpin the approach that the licensing authority will apply, as set out in its policy statement. The objective of such a profile is to set (map) out what the area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing authority and operators.
- b) A requirement from 6 April 2016 for operators to assess local risk, in terms of understanding the local environment and reflecting that awareness in their procedures and policies so that they mitigate any local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to share their risk assessments with their local licensing authority when applying for a new premises licence; to vary an existing premises licence; or, upon request by the licensing authority.

3.0 OTHER OPTIONS CONSIDERED

3.1 None

4.0 CONSULTATION

4.1 The guidance recommends a 12 week consultation but, given the timescales available before the next Licensing Committee, as well as the ability of the Licensing Team to engage with stakeholders and consultees quickly, it is recommended that the consultation is held for six weeks.

4.2 Consultation will be undertaken with all required parties; responsible authorities; the Gambling Commission; stakeholders; persons carrying on gambling business within the Borough; and, the general public. Any responses received during the consultation period will be taken into account and considered by the Chairman and Vice-Chairman of the Licensing Committee before being taken to the Council for adoption.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Tewkesbury Borough Council Plan 2012-16
Residential Services Service Plan 2013/14
Environmental Health and Licensing Enforcement Policy

6.0 RELEVANT GOVERNMENT POLICIES

6.1 Gambling Act 2003
Statutory guidance under the Gambling Act 2003

7.0 RESOURCE IMPLICATIONS (HUMAN/PROPERTY)

7.1 Met from existing resources.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 An effective policy statement can help promote community safety and increase public confidence.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 Consultation will be carried out via the Council's website.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None

Background Papers: None

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Appendices: Appendix A – Gambling Act 2005: Statement of Principles (Current)
Appendix B – Gambling Act 2005: Draft Statement of Principles 2016 -2019 (Proposed)