

Licensing Committee



Forest Heath
District Council

Title of Report:	Proposed West Suffolk Joint Gambling Act 2005: Statement of Principles 2016 to 2019	
Report No:	LIC/FH/15/003	
Report to and date/s:	Licensing Committee	29 June 2015
Portfolio holder:	Councillor James Waters Portfolio Holder for Planning and Growth Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk	
Lead officer:	Tom Wright Business Regulation and Licensing Manager Tel: 01638 719223 Email: tom.wright@westsuffolk.gov.uk	
Purpose of report:	To present and seek adoption for purposes of consultation a joint West Suffolk councils Statement of Principles in accordance with the Gambling Act 2005	
Recommendation:	It is recommended that the proposed West Suffolk Gambling Act 2005: Statement of Principles for the period 2016 to 2019 be approved for consultation.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p> <p><i>However, this item is included on both Authorities' Decision Plans for consideration after consultation has taken place.</i></p>	
Consultation:	To be carried out	
Alternative option(s):	None applicable	
Implications:		
Are there any financial implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Within budget	

Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> Planned work with current resources 	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> Minimal impact with an online survey being setup 	
Are there any legal and/or policy implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> A Statement of Principles is required under the Gambling Act 2005 – see report body and Appendix 1 	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> No impact identified 	
Risk/opportunity assessment:			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Failure to consult on a revised statement of principles – resulting in weak and challengeable policy	High	Planned consultation and further review of feedback prior to finalising and process of adoption	Low
Ward(s) affected:		All	
Background papers: (all background papers are to be published on the website and a link included)		Gambling Commission Guidance to Local Authorities (Fourth Edition) http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities-4th-edition.aspx LGA Guidance http://www.local.gov.uk/documents/10180/11309/GA+SoP+guidance+note+-+5+May+2015.pdf/2c5210c2-bbc3-46ec-977f-b34b20445609 Cabinet Office 2013: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf	
Documents attached:		Appendix 1 – Proposed West Suffolk Gambling Act 2005: Statement of Principles	

1. Key issues and reasons for recommendation(s)

1.0 Background

- 1.1 Under section 349 of the Act, licensing authorities are required to prepare a statement of principles that they propose to apply in relation to their regulatory responsibilities in gambling. Statements of principles typically run for a period of three years, although there is nothing to prevent an authority from updating its statement more frequently if it wishes to.
- 1.2 The current policy will expire in January 2016 and it is therefore necessary to review and revise the Policy to cover the fourth 3 year period: 31 January 2016 to 30 January 2019. Although Forest Heath DC and St. Edmundsbury are two separate licensing authorities, previous statements have been produced together and other than the branding are effectivity the same. The proposed statement at Appendix 1 is the first joint one and will require adoption, after consultation by both councils.
- 1.3 The objective of the statement of principles is to provide a vision for the local area and a statement of intent that guides practice: licensing authorities must have regard to their statement when carrying out their licensing functions. The statement cannot create new requirements for applicants outside of the Act, and cannot override the right of any person to make an application under the Act, make representations or seek a review of a licence. However, it can invite people and operators in particular to consider local issues and set out how they can contribute towards positively addressing them.
- 1.4 Updated licence conditions and codes of practice have significant implications for the statement of principles. The **requirement for operators to prepare local risk assessments in relation to all their premises from April 2016 means that licensing authorities will need to set out their expectations of operators' risk assessments, ideally in their statements.** This provides a real opportunity for councils to reflect local needs and issues in their gambling policies, in a similar way to licensing policy statements prepared under the Licensing Act 2003.
- 1.5 Like most licensing authorities we do not experience the same volume of applications in gambling as we do in other areas of licensing, but the wider issues of betting shop clustering and concern over Fixed Odds Betting Terminals (FOBT) have shown that gambling generates extremely strong feeling. While licensing authorities may not have the power to refuse new applications or limit FOBT machines, developing detailed and robust statements of principles that reflect local circumstances will enable them to shape local gambling regulation as much as possible. A statement that reflects local circumstances and risks can help operators to better understand and proactively mitigate the risks to the licensing objectives.
- 1.6 Guidance from the Local Government Association suggests that most licensing authorities will make minor changes to their existing statements in 2015 and may consider more comprehensive updates ahead of the statutory deadline for the next update of the statement in 2019.

- 1.7 The operators risk assessments can make reference to the council’s area profile which may be compiled with respect to reported gambling-related problems in an area. At the time of preparing this edition of the Statement of Licensing Principles there has been no evidence presented to the West Suffolk councils to support the assertion that any part had or is experiencing problems from gambling activities. This position will be kept under review and may change following formal consultation, in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare an Area Profile accordingly.
- 1.8 The proposed Statement of Principles found at Appendix 1 has only undergone minor revision in the absence of currently available data to support local risks and development of a robust gambling area profile. Some of the key changes to the Policy are as follows:

Paragraph	Changes to Policy
Title Page	New title page reflecting joint policy for the West Suffolk councils
Preface	Updated introduction and statement on effect in each licensing authority
Part One: 2.0, 2.1 The West Suffolk councils	New wording providing background to the councils
Part One: 2.2 About the area	New wording to reflect the West Suffolk
Part One: 2.3,2.4. 2.5	Statistical information on the population, economy and skills; and housing profile. This will in part contribute toward an overall area profile of the councils
Part One: 10	New section related to risk assessment and area profile

2.0 **Consultation**

- 2.1 No initial consultation has been undertaken in the preparation of this draft prior to formal public consultation. Officers propose a 6 week consultation due to the minimal revisions. Consultees will be encouraged to comment on-line wherever possible so that data is electronically captured.

In developing their statements, the Act requires licensing authorities to consult with:

- local police
- those representing the interests of gambling businesses in their localities,
- people likely to be affected by it (or those who represent them).

Authorities may also wish to consult with:

- organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, such as public and mental health teams, and advocacy organisations (such as the Citizen's Advice Bureau and trade unions)
- local businesses

- other tiers of local government (where they exist)
- responsible authorities.

Full details of proposed consultees can be found in Schedule A of the proposed statement.

- 2.2 Results of the consultation, along with a copy of the Statement of Principles, incorporating any amendments, will be feedback to Licensing Committee for endorsement prior to seeking approval at Cabinet and finally adoption at full Council. We are also obliged to advertise the final statement of principles.