

Licensing Committee



Forest Heath
District Council

Title of Report:	West Suffolk Councils Gambling Act 2005: Joint Statement of Policy - 2016 to 2019	
Report No:	LIC/FH/15/006	
Report to and date/s:	Licensing Committee	29 June 2015
	Licensing Committee	28 September 2015
	Council	9 December 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 consider the results of a public consultation and seek approval for adoption of a revised joint West Suffolk councils Statement of Policy in accordance with the Gambling Act 2005 2016-2019.	
Recommendation:	It is recommended that the revised West Suffolk Gambling Act 2005: Statement of Policy for the period 2016 to 2019 be approved for adoption by Council.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input checked="" type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i>		

Consultation:	<ul style="list-style-type: none"> As per Schedule A of the proposed policy 		
Alternative option(s):	<ul style="list-style-type: none"> None applicable 		
Implications:			
Are there any financial implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> 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"/>		
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"> See body of report. A Statement of Principles is required under the Gambling Act 2005 – see report body and appendix 3 		
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:			
<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
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	
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		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:	<p>Appendix 1 – Summary of Consultation Responses with Officer comments.</p> <p>Appendix 2a-c Copies of consultation comments (where additional information provided)</p> <p>Appendix 3 - Revised West Suffolk Gambling Act 2005: Statement of Policy (incorporating consultation changes) 2016-2019</p>
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1. Key issues and reasons for recommendation(s)

1.0 Background

1.1 The Statement of Gambling Policy sets out how the Council, in its role as Licensing Authority, will carry out its functions under the Act. It recognises the importance of responsible gambling within the entertainment industry whilst seeking to balance this with the key objectives of the Act. The objectives are:

- Preventing gambling from being a source of crime and 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 objective of the statement of policy 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.

1.3 A statement of policy typically runs for a period of three years, although there is nothing to prevent the authority from updating more frequently if it wishes to. The current policy expires in January 2016 and a revised version was previously approved by Committee for a 6 week consultation.

2.0 Policy Changes

2.1 Updated licence conditions and codes of practice have significant implications for the statement of policy. 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 an 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.

- 2.2 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 policy 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.
- 2.3 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.
- 2.4 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. Prior to consultation and during the consultation no evidence has been 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, 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.
- 2.5 The proposed Statement of Policy previously approved for consultation only required 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 were 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 Councils
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

3.0 Consultation

- 3.1 A 6 week consultation concluding on the 15 September 2015 was carried out. Consultee's included those specified in the Gambling Act and those listed in Schedule A of the proposed statement.

- 3.2 A small number of responses were received and these have been summarised in Appendix 1. Full copies of the consultation responses (where applicable) has been included at Appendix 2a-c.
- 3.3 Where further revision has been made to the proposed policy this has been reflected in the Officer Response column of Appendix 1 and a final version of the policy for Member consideration is included at Appendix 3.

4.0 Legal Requirements

- 4.1 Section 349 of the Gambling Act 2005 prescribes that:
- (1) A licensing authority shall before each successive period of three years—
 - a) Prepare a statement of principles that they propose to apply in exercising their functions under this Act during that period; and
 - b) Publish the statement
 - (2) A licensing authority shall—
 - a) Review their statement under this section from time to time;
 - b) If they think it necessary in light of the review, revise the statement; and
 - c) Publish any revision before giving it effect.
- 4.2
- (3) In preparing a statement or revision under this section a licensing authority shall consult
 - a) either—
 - (i) in England and Wales, the chief officer of police for the authority's area; or
 - (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area
 - b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
 - c) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.
- 4.3 The approval or adoption of the 'Licensing authority policy statement' under section 349 of the Gambling Act 2005 is by virtue of reg. 3 of the Local Authorities (Committee System) (England) Regulations 2012 SI 2012/1020 a function which can by law only be exercised by full Council. The revised policy will be presented to Joint Cabinet prior to reaching full Council.