



AGENDA ITEM:

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	22nd May 2018
PART:	I
If Part II, reason:	

Title of report:	Review of licensing policies for gambling licences
Contact:	Nathan March – Licensing Team Leader, Legal Governance
Purpose of report:	To present draft revisions to the Council’s Statement of Principles under the Gambling Act 2005.
Recommendations	That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the Committee.
Corporate objectives:	<ul style="list-style-type: none"> • A clean, safe and enjoyable environment • Delivering an efficient and modern council • Building strong and vibrant Communities • Ensuring economic growth and prosperity
Implications:	<p><u>Equalities</u> A Community Impact Assessment will be presented with the consultation results.</p> <p><u>Financial / Value for Money / Risk / Health & Safety</u> None arising.</p>
Consultees:	This is a pre-consultation report. If the recommendation is approved, the results of public consultation will be reported to a future meeting of the Committee.

Background papers:	Draft Statement of Principles 2019-2022
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005 (the Act) is one of the major regulatory regimes under which the Council has statutory responsibilities.
- 1.2. The Act requires licensing authorities (district councils or unitary authorities) to publish a written policy, setting out how they intend to exercise the licensing and enforcement powers conveyed to them, the principles that they will follow, and their expectations of licensees. The policy must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area.
- 1.3. Dacorum last reviewed its policy in 2015 and it is due for review and replacement by January 2019, in order to satisfy the statutory requirements in the Act, which requires that this is done every 3 years.
- 1.4. A revised policy has been produced to take into account recent legislative change and case law, and also to reflect the experiences of the licensing authority and address issues which have emerged in this period. The changes are summarised below, the majority of which are minor structural changes.
- 1.5. The Committee are asked to approve consultation on the revised policy. The Act specifies a number of requirements for consultation on policy change, including lists of the categories of people who should be consulted, and the consultation on the revised policies will be carried out with regard to these requirements, and to the Government's consultation principles.
- 1.6. An 8-week consultation period is proposed, in order to bring the results to the Committee's October meeting (16th) and Full Council in November (28th).
- 1.7. The final decision to adopt or revise a Gambling Statement of Principles policy under the Act must be made by Full Council. Following consultation, the Committee will be asked to resolve to recommend the adoption of the revised policy (with any additional revisions after considering the consultation responses) by the Council later this year.

2. CHANGES TO STATEMENT OF PRINCIPLES (GAMBLING ACT 2005)

2.1. Local Area Profiles and Local Risk Assessments

- 2.1.1. Last time the policy was reviewed a new section was added in respect of the local area profile (LAP) and local risk assessments. These were a new provision included within the 5th edition of the Gambling Commission's guidance to licensing authorities (which had not been published at the time), which promoted the notion of licensing authorities compiling and publishing an assessment of their area, to help influence the future positioning of gambling premises within their areas.
- 2.1.2. The previous version of the policy, referred to a local area profile, but directed interested persons to the councils website, and particularly the ward profile information available. By referencing rather than including detailed information within the policy statement, the authority has more flexibility to update the profile as new data becomes available.
- 2.1.3. The version of the guidance containing references to local area profiles and risk assessments was published shortly after the previous review of the policy, the Gambling Commission has developed its advice to licensing authorities on this aspect of the policy over this time, and has been promoting the use of LAPs to assist in effective regulation of Gambling Premises, and protection of the public where necessary.
- 2.1.4. The key advice from the Gambling Commission is to keep the document separate from the Statement of Principles, so that it is easier to keep the LAP up to date, matching the position that the Council previously took on this aspect of the policy. Furthermore, it is advised to produce LAPs that are suitable for the area that they cover, for example licensing authorities with seaside resorts, and those with large economic centres may wish to consider a large and highly detailed LAP for operators to have regard to. The implications for Dacorum are that as the area has only a relatively small number of relevant establishments, combined with little movement, a fairly simple profile is sufficient.
- 2.1.5. As a result of advice and guidance from the Gambling Commission, a Local Area Profile document has been produced to stand alongside the Statement of Principles policy document. The responsible authorities have been consulted in regards to the creation of this document and it will be consulted on wider alongside the Statement of Principles. Although a formal document has now been drafted, this document guides users to relevant data available on the Council's website and other websites such as Police.uk (for local crime statistics), in order that it is more easily maintained as up to date information.
- 2.1.6. Operators must produce risk assessments for their premises. These should be specific to the individual premises, and should relate back to the Council's LAP. The risk assessments should be kept on site and available for inspection by officers. This has therefore been stated within the policy.

2.2. Other changes

- 2.2.1. Gambling Premises should be clearly defined, there have been some issues around the country where large areas such as shopping centres or motorway service areas have been applied for as gambling premises, leading to gaming machines being stationed around these premises. The Gambling Commission is keen to ensure that it is clear that a premises must be a defined area where those entering would expect the provision of gambling to be available. This has been clarified in the revised policy on page 17.
- 2.2.2. Similarly, there have been some instances where unsuitable plans have been submitted with variation applications, and therefore the requirements in regards to plans have also been clarified on page 17.

3. RECOMMENDATION

- 3.1. That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Council's Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the Committee.**