

Agenda Item 14.

TITLE	Gambling Act 2005 – Statement of Principles Review
FOR CONSIDERATION BY	Licensing and Appeals Committee on 15 September 2015
WARD	None Specific
LEAD OFFICER	Paul Anstey – Joint Service Delivery Manager - West Berkshire and Wokingham Environmental Health and Licensing

OUTCOME / BENEFITS TO THE COMMUNITY

To determine a draft Statement of Gambling Principles to go out to consultation.

RECOMMENDATION

Members are recommended to confirm the content of the draft Statement of Gambling Principles prior to the statutory consultation exercise.

SUMMARY OF REPORT

This report sets out the Statement of Gambling Principles for consideration prior to consultation. The draft document has been amended following advice to Local Authorities from the Local Government Association and the Gambling Commission's Licence Conditions and Codes of Practice. The amendments are highlighted in the attached Appendix of the existing Statement of Principles.

Background

Under the Gambling Act 2005, the Council is required to review and consult upon its 'Statement of Gambling Principles' every three years from the date of adoption. The present Statement of Gambling Principles was published on 31 January 2013 and therefore must undergo a review and be re-published on or before 31 January 2016.

The statement must be produced following consultation with those bodies and persons set out in subsection (3) of section 349. This includes the Chief Officer of Police, persons who represent the interests of persons carrying on gambling businesses in the area and persons who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. The Statement of Principles ('the Statement') will last for a maximum of three years and can be reviewed and revised by the authority at any time.

The existing statement has so far been found to be suitable for its purpose. This policy was subject to an extensive consultation exercise in 2009. Amendments to the policy have now been made following guidance issued by the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP) and Local Government Association in early 2015. These amendments are shown as tracked changes in the existing document as **Appendix One**.

The main changes included are:

1. The Local Authority's approach to compliance and enforcement, for example what the inspection regime looks like and how the LA will manage illegal gambling activity.
2. The Local Authority's expectations of operators. This could be in general terms – an expectation on all operators, or expectations of a sub-sector of the industry. Expectations might include the operator sharing information with the Local Authority, it might be participation in social responsibility schemes. This will depend on the priorities of each Local Authority.
3. As operators are required to develop their own premises specific risk assessment by 6 April 2016 it is important that Local Authority's provide a clear indication of what factors, as a non-exclusive list, they expect to be taken into account.

The underlying principle of the 2015 social responsibility review and the LCCP changes are that responsibility for delivering the licensing objectives rests with gambling operators.

Risk Assessments by Operators

The statement of principles is an opportunity for a licensing authority to set out its expectations of the local risk assessments that operators must undertake in respect of all gambling premises.

Operators now have an obligation to produce a local risk assessment, which will assist local authorities when they are considering applications etc. (i.e. similar to an operating schedule under the Licensing Act 2003 provides information about the local premises). The specific detail in relation to this new requirement follows:

From the 6 April 2016 all non-remote licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments licensees must take into account relevant matters identified in a licensing authority's Statement of Licensing Principles (Social Responsibility Code 10.1.1).

From the 6 April 2016 local risk assessments must be reviewed when there are significant changes in local circumstances (including those identified in a licensing authority's Statement of Licensing Principles) or at the premises, or when applying for a new licence or variation of a licence (Social Responsibility Code 10.1.2).

Operators are not automatically required to share their risk assessments with LA's except when they are applying for a new premises licence or to vary an existing one.

Authorities may use the statement of principles to clarify whether or not and how regularly they expect to receive a copy of each premises' risk assessment.

Authorities will wish to ensure that the risk assessment covers the following broad headings:

- Reference to any specific local risks (linked to the local area profile)
- How the operator proposes to mitigate these risks
- How the operator will monitor specific risks.

The key point is that the statement is an opportunity to clarify the LA's expectations of businesses in relation to new applications, reducing the input and resources required at the time an application is submitted.

In line with the above changes a new para in Part A (10) has been inserted to cover the new mandatory requirements which apply to risk assessments.

Local Area Profiles (LAP)

As per the updated guidance and GLA Special Bulletin April 2005 recommends that, like operators, licensing authorities complete and map their own assessment of local risks and concerns by developing local area profiles to help shape their statements (although there is no requirement to do this).

In simple terms, the objective of the profiles is to set out what our area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the LA and operators.

LAP's will help the authority to develop its expectations of existing operators and new applicants in the licensing authority area. The statement of principles is the key tool for setting this out clearly; so that operators are clear what is expected of them.

The Commission's draft guidance to LA's says - completion of a profile is not a mandatory requirement and if an LA chooses not to develop a specific local area profile, they may wish to set out in their policy statement what they would expect local operators to include in their premises risk assessments.

Based on local knowledge and taking into account information held by the licensing authority, and after speaking to its partners the LA found no evidence of any gambling issues that would currently inform to develop a local area profile.

In line with the above - new para's inserted into Part A (7) of SOP which outlines the

council's position in respect of the formation of a local area profile.

Primary Authority Agreements

The recent change in legislation has now seen a number of councils sign primary authority agreements with some of the largest gambling operators covering the issue of age verification, which is an area recently added to the scheme.

As with any other area, licensing authorities should therefore have regard to the plan agreed between the company and primary authority in developing their own programmes of activity and inspection.

CONSULTATION

Principal Groups Consulted

The list of proposed consultees is attached at **Appendix Two**

Method of Consultation

Consultation will be carried out by e-mail wherever possible to keep costs to a minimum.

Following the consultation exercise the Statement, together with any representations, will be brought back to this committee for consideration before it passes to Full Council for adoption.

To enable the Statement to be reviewed and published in accordance with the legislation, the following timetable is recommended;

15 September	Report to Licensing and Appeals Committee with the Draft Statement for comment and approval
16 September	Consultation exercise begins
28 October	Consultation exercise ends
9 November	Report to Licensing and Appeals Committee on the consultation for comment and approval
19 November	Draft statement for consideration for adoption by Council
17 December	New statement published
31 January 2016	Statement comes into effect

Analysis of Issues

Draft Statement of Gambling Principles for consideration which is amended following recent guidance.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	Yes	
Next Financial Year (Year 2)	Nil	Yes	
Following Financial Year (Year 3)	Nil	Yes	

Other financial information relevant to the Recommendation/Decision
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There are no financial implications arising from the recommendation in this report
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Cross-Council Implications

There are no implications arising from the recommendations in this report

List of Background Papers

Existing Gambling Act Statement of Principles Gambling Commission – Guidance to Local Authorities Local Government Association (May 2015) – Letter to Licensing Authorities

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