

This Report will be made public on 19 November 2018



Report **DCL/18/26**

To: Planning and Licensing Committee
Date: 27 November 2018
Status: Non Key Decision
Officer: Sarah Pinkstone – Environmental Health & Licensing Team Leader

Subject: Gambling Act 2005 – Review of Statement of Principles

Summary: This report sets out our proposed revised Statement of Principles under the Gambling Act 2005.

Recommendations:

The Planning and Licensing Committee is asked to approve the following recommendations:

- 1. To receive and note the Report DCL/18/26.**
- 2. To agree the draft revised Gambling Statement of Principles for the period (April) 2019-2022 to be consulted on for a 6 week period.**
- 3. To delegate the Environmental Health and Licensing Team Leader to approve any minor amendments to the Policy as a result of the consultation, before being presented to Full Council for approval and adoption.**

1. Introduction

- 1.1 Gambling Activities (except the national lottery) are regulated by the Gambling Act 2005. The council is a licensing authority for the purposes of the Act. Its main functions concern the grant of premises licences where gambling activities take place (including betting shops, bingo premises, betting tracks, adult gaming centres and family entertainment centres), issuing permits for gaming machines and receiving notifications of use of gaming machines in premises licenced under Licensing Act 2003.
- 1.2 Within the District, there are currently 15 Betting Shops, 4 Bingo premises, 2 Family Entertainment Centres and 4 Adult Gaming Centres. There are 11 premises with gaming machine permits (including 2 unlicensed family centres) and 44 premises licensed under the Licensing Act 2003 who have given notice of use of up to 2 gaming machines.
- 1.3 The Gambling Act 2005 requires the Council, in its role as a licensing authority, to prepare a Statement of Principles with respect to the exercise of its licensing functions.
- 1.4 This Statement of Principles must be reviewed at least every 3 years. The Authority's Gambling Statement of Principles was last renewed in 2016 following a period of consultation and runs until 5 April 2019.
- 1.5 The Statement of Principles has now been updated for the three year period (April) 2019 – 2022.

2. The Draft Statement.

- 2.1 A copy of the proposed statement of principles is attached (Appendix 1)
- 2.2 The statement has been reviewed and updated based on current guidance and a suggested template issued by the Gambling Commission. There are no significant changes in approach proposed as a result of this review. Key amendments are as follows:
 - More detailed information on the preparation of local risk assessments.
 - More detailed guidance on premises layout and “split premises”
 - More detailed guidance on the approach to different types of premises licences and permits, including types of issues that measures proposed by the applicant or licence conditions might cover in order to meet the licensing objectives.
 - Inclusion of guidance in relation to small society lotteries.

3. Consultation

- 3.1 A consultation period of 6 weeks is proposed running from 30th November 2018 – 11th January 2019.
- 3.2 Consultation will be undertaken with:
 - Responsible Authorities (full list shown in draft statement)
 - Town and Parish Councils
 - District Ward Councillors

- Operators of Premise Licences and gaming machine permit holders in the District Gamble Aware
- Association of British Bookmakers
- British Amusement Catering Trade Association
- Public Health England

3.3 The draft statement will also be published on the Council website with an invitation to submit relevant comments. A notice of the consultation will be displayed on the council notice board and in public libraries in the District.

3.4 Following consultation delegated authority is proposed to be given to the Environmental Health & Licensing Team Leader, in consultation with the Chairman of the Planning and Licensing Committee to make minor amendments to the policy, where required. The draft policy will then be reported to full Council for adoption.

4. Implications

4.1 Legal Officer's Comments (DK)

There are no legal implications arising directly out of this report. The Council must, as a licensing authority, before each successive period of three years, prepare a statement of the principles that they propose to apply in exercising their functions under the Gambling Act 2005 (during that period).

4.2 Finance Officer's Comments (LH)

There are no financial implications arising from this report.

4.3 Diversities and Equalities Implications (SP/HR)

There are no diversity or equalities implications arising from this report.
There are no HR implications arising from this report

4.4 PR Implications (MR)

Although significant changes have not been made, a consultation running for 6 weeks as proposed would still be appropriate. As planned, interested parties should be engaged with during this period and the fact that the statement of principles is being consulted on should be publicised more widely (MR)

1 Appendices:

Appendix 1 – Folkestone & Hythe District Council - Draft Statement of Principles under the Gambling Act 2005 (2019-2022)

2 Contact Officers and Background Documents

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The following published documents have been relied upon in the preparation of the report:
Gambling Act 2005