

<b>REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES</b>	
<b>LICENSING COMMITTEE</b> <b>8 FEBRUARY 2018</b>	<b>CLASSIFICATION:</b> <b>Open</b> <b>If exempt, the reason will be listed in the main body of this report.</b>
<b>WARD(S) AFFECTED</b> <b>All Wards</b>	
<b>GROUP DIRECTOR</b> <b>KIM WRIGHT</b>	

## **1. INTRODUCTION**

- 1.1 This report provides the Licensing Committee with relevant information on the Gambling Act 2005 (“the Act”) and the proposed review of the Gambling Statement of Principles (“Statement”).

## **2. RECOMMENDATION(S)**

- 2.1 That the Licensing Committee note the proposed approach to the review of the Statement.
- 2.2 That the Licensing Committee gives an initial view on whether to recommend to Council that the ‘no casino’ resolution remain for a further three years given the characteristics of the borough.

## **3. BACKGROUND**

- 3.1 Section 349 of the Act states that each Licensing Authority must prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act during the three year period to which the statement applies. The statement must be kept under review during the period and be republished where it is revised. The statement must be in place before the authority can determine any application.
- 3.2 The statement sets out the basis of decisions made by the authority regarding gambling premises and in issuing a range of permits to authorise other gambling facilities in the area. For example:
- Adult gaming centre premises licences
  - Betting premises licences
  - Bingo premises licences
  - Family entertainment centre premises licences
  - Gaming Machine Permits
  - Temporary Use Notices
- 3.3 The review of the statement must take account of the Gambling Commission Guidance and be subject to statutory consultation with prescribed stakeholders including the holders of licences and the Police, as well as other stakeholders including representatives of gambling businesses, local residents, social services and child protection.
- 3.4 Under section 166(1) of the Act, a Licensing Authority can make a resolution not to issue casino licences for a period up to 3 years. This Council has previously made such a resolution which was subsequently reaffirmed since the Act commenced in 2007. Therefore, a decision on whether or not to reaffirm this resolution will be required and this should be before the commencement of the statutory consultation.

#### 4. PROPOSED TIMETABLE FOR REVIEW

4.1 The table below provides an outline of the timetable for the implementation of the revised Statement.

Date(s)	Task
8 February 2018	Licensing Committee – present outline for review
June 2018	Present draft Policy for consultation to the Licensing Committee.
June 2018	Public consultation commences
*July 2018	Council considers ‘no casino’ resolution
September 2018	Consultation closes
October 2018	Licensing Committee consider consultation report, any subsequent amendments and commends the Policy to Cabinet/Council to adopt Policy.
October 2018	Cabinet recommends the Policy to Council for approval
October 2018	Policy adopted at meeting of the Council
December 2018	Notice of intent to publish the Policy appears in the Hackney Gazette (this is a statutory requirement)
December 2018	Policy published
31 January 2019	Effective date of Policy

\*Subject to the recommendation made by the Licensing Committee

#### 5. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

This report requests that the Licensing Committee note the proposed approach to the review of the Gambling Statement of Principles. It also seeks the Committee’s view on whether to recommend to Council that the ‘no casino’ resolution remain for a further three years given the characteristics of the borough.

Costs will be incurred in reviewing the Statement including consultation costs relating to printing, publishing and placing notifications in the press. These costs will be met from within Business Regulation Service budgets.

## **6. COMMENTS OF THE DIRECTOR OF LEGAL**

- 6.1 The requirement to have a Gambling Statement of Principles is set out in Section 349(1) of the Gambling Act 2005 ('the Act') and lasts for a three year period. The first Statement was approved at Full Council on 29 November 2006. The Licensing Authority is required by the Act to publish a revised Statement at least four weeks before it takes effect.
- 6.2 The Licensing Authority has a duty to consult on the statement with its statutory consultees under section 349(3) of the Act.
- 6.3 Approving the statement is a shared function and as such cannot be the sole responsibility of the Executive. Therefore, both the Executive and Council must decide whether to adopt the proposed statement as set out in The Local Authorities (Functions and Responsibilities) (Amendment (England) Regulations 2006).
- 6.4 After adopting the revised statement the Council will still need to publish a statutory notice of intent in the local press at least four weeks before the statement takes effect.
- 6.5 Section 166 of the Act requires the Council to include in its statement any resolution passed not to issue a casino premises licence. In passing such a resolution the authority may take into account any principle or matter, not just the gambling licensing objectives.
- 6.6 Section 153 of the Act states that any 'no casino' resolution must be approved by Council.

## **APPENDICES**

N/A

## **EXEMPT**

Not applicable.

## BACKGROUND PAPERS

Not applicable

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