

DRAFT GAMBLING POLICY FOR CONSULTATION**LICENSING COMMITTEE****2 JULY 2018****CLASSIFICATION****Open****If exempt, the reason will be listed in the main body of this report.****WARD(S) AFFECTED****All Wards****GROUP DIRECTOR****KIM WRIGHT**

1. INTRODUCTION

- 1.1 The purpose of this report is to present to the Licensing Committee relevant information so that it can consider recommending the draft gambling Statement of Principles (“the Statement”) for consultation.

2. RECOMMENDATION(S)

2.1 That the Licensing Committee:

Recommend the draft Gambling Statement of Principles for consultation.

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 Policy must take account of the Gambling Commission Guidance, which itself is under review, 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- 3.4 As the draft Guidance is relatively similar to the current Guidance and is not expected to have any further changes to it. It is not anticipated that the draft Policy will require any consequential changes once the draft Guidance is finalised and approved.
- 3.5 A report on the requirement to publish a new statement was presented to Licensing Committee on 2 February 2018. The proposed timetable has been set out in Paragraph 4 of this report.

3.6 Under section 166(1) of the Act, a Licensing Authority can make a resolution not to issue casino premises licences for a period up to three years. Members will also recall that the 'no casino' resolution is to be recommended to Council to remain for a further three years given the characteristics of the Borough.

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 |
|-----------------|---|
| 2 July | Present draft Statement of Principles for consultation to the Licensing Committee. |
| 9 July | Public consultation commences |
| 18 July | Council considers 'no casino' resolution |
| 14 September | Consultation ends |
| 17 October | Licensing Committee consider consultation report, any subsequent amendments and commends the Statement to Cabinet/Council to adopt. |
| 29 October | Cabinet recommends the Statement to Council for approval |
| 31 October | Statement adopted at meeting of the Full Council |
| December | Notice of intent to publish the Statement appears in the Hackney Gazette (this is a statutory requirement) |
| December | Statement published |
| 31 January 2019 | Effective date of Statement |

5. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND RESOURCES

5.1 This report seeks the Licensing Committee to recommend the Draft Gambling Statement of Principles for consultation.

5.2 The cost of consultation and publicity for the Statement of Principles and the future cost of delivering the gambling licensing objectives, will be managed within the existing service budgets.

6. COMMENTS OF THE DIRECTOR OF LEGAL

- 6.1 In exercising the gambling functions derived from the Gambling Act 2005 ('the Act') the Council, as the licensing authority, must adhere to the principles set out in Section 153. The aim is to permit the use of premises for gambling in accordance to;
- Any relevant code of practice,
 - The Statutory Guidance ('the Guidance'),
 - The gambling licensing objectives, and
 - The Council's Statement of Gambling Principles ('Statement')
- 6.2 The requirement of a Guidance and the need for the Council to adhere to it is set out in Section 25.
- 6.3 The need to have a Statement is set out in Section 349(1) of 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 on 31 January 2019.
- 6.4 The Licensing Authority has a duty to consult on the Statement with the statutory consultees under section 349(3) of the Act.
- 6.5 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.
- 6.6 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.
- 6.7 Section 166 of the Act requires the Council to include in its gambling Statement any resolution passed not to issue a casino premises licences. In passing such a resolution the authority may take into account any principle or matter, not just the gambling licensing objectives.
- 6.8 Section 153 of the Act states that any 'no casino' resolution must be approved by Council.

APPENDICES

Appendix 1 – Draft Gambling Statement of Principles 2019 to 2022

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable

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