

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES**LICENSING COMMITTEE****17 OCTOBER 2018****CLASSIFICATION:****Open****If exempt, the reason will be listed in the main body of this report.****WARD(S) AFFECTED****All Wards****GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING****KIM WRIGHT**

1. INTRODUCTION

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

2. RECOMMENDATION(S)

- 2.1 That the Licensing Committee:

(i) notes and makes any comments on the content of the proposed Policy at Appendix 1 and commends the proposed Policy to Cabinet for recommendation to Full Council for approval.

(ii) notes the report on the consultation at Appendix 2.

(ii) authorises the Group Director of Neighbourhoods and Housing to make any non-substantive changes to the proposed Policy as appropriate.

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 policy applies. The Policy must be kept under review during the period and be republished where it is revised. The Policy must be in place before the authority can determine any application.
- 3.2 The Policy 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, 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 Members will also recall that on 2 July 2018 the Licensing Committee supported a further resolution not to issue casino licences given the characteristics of the Borough. Full Council subsequently made a further 3 year resolution at its meeting on 18 July 2018.

4. CONSULTATION

- 4.1 Members will recall that on 2 July 2018, the Licensing Committee approved the draft Policy for consultation.
- 4.2 As part of the process, information was published in Hackney Today and on the Council's website. Officers also sent correspondence to statutory bodies and authorities as well as holders of relevant authorisations and other interested parties.
- 4.3 During the consultation, which ran from 23 July to 14 September 2018, 15 responses were received. A report on the consultation has been prepared by the Consultation Team and has been appended to this report.

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

- 5.1 This report requests that the Licensing Committee note the review of the Gambling Statement of Principles ("Statement") following the statutory consultation.
- 5.2 The cost of managing the Council's functions under the Gambling Act 2005 is met from the Business Regulation service budgets.

6. COMMENTS OF THE DIRECTOR OF LEGAL

- 6.1 Members will already been aware of the requirement within the Gambling Act 2005 ('the Act') to have a Policy as set out in Section 349 of the Act, the current Policy being approved at Council on 25th November 2015. Members are reminded that the Licensing Authority is required by the Act to publish a revised Policy by January 2019.
- 6.2 The Licensing Authority has a duty to consult on the policy with its statutory consultees under section 349 of the Act. A consultation has been undertaken is in line with the Government's Cabinet Office Consultation Principles 2018 ("the Cabinet Office Principles"), which outlines the need for a targeted and proportional approach.
- 6.3 The consultation of the Policy attracted a limited number of responses. This perhaps reflects the fact that the Policy has in reality had very few changes following its last legal review before taking effect in 2016. As such having considered the consultation undertaken the revised policy

is in compliance with both the Act and current Guidance, which the Licensing Authority must have regard to.

- 6.4 Approving the policy cannot be the sole responsibility of the executive. Therefore, Full Council must decide whether to adopt the proposed Policy, as set out in The Local Authorities (Functions and Responsibilities) (Amendment (England) Regulations 2006.
- 6.5 After adopting the revised policy the Council will still need to publish the Policy and a statutory notice of intent at least 4 weeks before the policy takes effect on 31 January 2019.

APPENDICES

Appendix 1 – Gambling Policy 2019-2022 for approval.

Appendix 2 – Consultation Summary Report

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable

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