

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES**COUNCIL****31 OCTOBER 2018****CLASSIFICATION:****Open****WARD(S) AFFECTED****All Wards****GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING****KIM WRIGHT**

1. Summary:

- 1.1 This report has been prepared to provide the Council with relevant information on the Gambling Act 2005 ("the Act") and the review of the Gambling Statement of Principles ("Statement") following the statutory consultation.
- 1.2 The Licensing Committee recommended the Statement for adoption at the meeting on 17 October 2018.

2. Recommendations:

2.1 Council is requested to:

(i) approve the Statement at Appendix 1.

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

(ii) authorise the Group Director of Neighbourhoods and Housing to make any non-substantive changes to the proposed Statement 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 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 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 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.

Policy Context

- 3.5 In devising this Statement, regard has been given to the available datasets, findings, shared vision and plans informing Hackney's Sustainable Community Strategy (the "Strategy"), The Strategy sets out the vision for the Borough in 2028.
- 3.6 Regard has also been given to the responsibility under the Council's planning regime and in particular the new borough-wide local plan, known as LP33. This will be the key strategic planning document which will establish a vision and planning policies to direct and guide development in Hackney up to 2033. The plan is critical in ensuring that the right amount of development is built in the right place at the right time so that the future needs of the borough are met.

Equality Impact Assessment

- 3.7 The changes to this Statement are limited to minor updates from the previous version effective from January 2016. Therefore the Equalities Impact Assessment carried out for the earlier versions would still apply.

Statutory Consultation

- 3.8 Members will recall that on 2 July 2018, the Licensing Committee approved the draft Statement for consultation.
- 3.9 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.
- 3.10 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.

4. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

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

5. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 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 Statement of Principles 2019-2022 for approval.

Appendix 2 – Consultation Summary Report

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable

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