

NON-EXEMPT

EAST HAMPSHIRE DISTRICT COUNCIL

Licensing Committee

29 September 2017

GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES Senior Environmental Health Officer (Licensing)

FOR DECISION

1.0 PURPOSE OF REPORT

The purpose of this report is to present a draft revision of the Council's Statement of Principles on the Gambling Act 2005. The statement must be reviewed every 3 years and the previous Statement of Principles was approved on 30 November 2012 and published in January 2013 (Appendix A).

2.0 RECOMMENDATIONS

Licensing Committee are asked to consider the content of the draft revised Statement of Principles on gambling, detailed in Appendix B, and make any necessary changes before it goes out to consultation. The statement is dated 1 January 2018 until 30 January 2019. A list of consultees is included in Appendix B to the revised Statement of Principles. The consultation will begin on 4th October 2017 and close on 31st October 2017.

3.0 BACKGROUND

3.1 The Gambling Act 2005 contains the regulatory system that governs the provision of gambling in Great Britain, other than the National Lottery and spread betting.

3.2 The Gambling Commission has responsibility for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters.

3.3 Licensing Authorities license gambling premises within their area, as well as carrying out functions in relation to lower stake gaming machines and clubs. The Act also provides for a system of temporary use notices. These authorise premises, not licensed generally for gambling purposes, to be used for equal chance gaming, such as backgammon, bingo and poker, for limited periods.

3.4 Section 349 of the Act requires all licensing authorities to prepare and publish a '*statement of the principles they propose to apply in exercising their functions*' under the Act, applicable to a three year period. To distinguish it from the Licensing Act 2003 Policy Statement it is called a 'Statement of Principles'. The current Policy expired on 30 January 2016 and is shown in Appendix A.

4.0 SUBJECT OF REPORT

4.1 Appendix B shows the draft Statement of Principles on gambling. It has been drafted following the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, September 2015, Parts 17, 18 & 19 updated September 2016.

4.2 The draft differs from the current Statement in the following ways:

- Correcting typing and grammatical errors.
- In section 3.1 the current type and number of premises within East Hampshire District Council conducting gambling activities have been included. A new map of the district identifying the urban and rural areas is also provided in section 3.1.
- As required in the updated Gambling Commission's Guidance, reference is now made to local risk assessments (section 8.0) and local area profile (section 9.0).
- In section 40.0, Licensing Authority Delegations, referral of applications for a licensed premises gaming machine permit for more than two gaming machines to the Licensing Sub-Committee has been removed.
- The maximum stake and maximum prize limits detailed in Appendix B to the draft Statement of Principles have been updated.

4.3 In preparing the Statement, the Licensing Authority is required to:

- adhere to the regulations under section 349(4) of The Act,
- consider guidance issued to licensing authorities by the Gambling Commission
- recognise the need to be reasonably consistent with the licensing objectives where applicable.

The licensing objectives are:

- preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.4 In determining its policy, the licensing authority must have regard to guidance issued by the Gambling Commission and give appropriate weight to the views of

those it has consulted. No statement of principles should override the right of any person to make an application under the Act and to have that application considered on its merits. Additionally a policy must not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

4.5 Unmet demand is not a criterion for a licensing authority in considering an application for a premises licence under the Gambling Act. Each application must be considered on its own merits. This is reflected in the draft Statement.

4.6 However, the licensing authority may comment on the location of premises in so far as the location relates to the licensing objectives. The Statement sets out the general principles that the licensing authority will apply when determining whether the location of proposed gambling premises is acceptable or not.

4.7 A Licensing Sub-Committee will hear applications where representations have been received.

5.0 Appendices:

Appendix A: previous Statement of Principles dated 31 January 2013 until 30 January 2016 and approved by EHDC on 30 November 2012

Appendix B: Revised draft statement of principles dated 1 January 2018 until 30 January 2019

Agreed and signed off by:

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