

Committee: Licensing Committee

Date: 20 October 2015

Wards: All.

Subject: Update of the Council's Statement of Principles under the Gambling Act 2005 Post Public Consultation.

Lead officer: Chris Lee, Director of Environment and Regeneration.

Lead member: Councillor Nick Draper, Cabinet Member for Community and Culture.

Forward Plan reference number: N/A

Contact Officer: Barry Croft, Licensing Manager, London Boroughs of Merton and Richmond upon Thames Joint Regulatory Services Partnership and Guy Bishop Senior Lawyer Litigation and Planning Team.

Recommendations:

- A. To consider the comments received during the public consultation process, which took place between 22 June and 14 September 2015;
 - B. To approve delegated authority to the Licensing Manager, in consultation with the Chairman of the Licensing Committee, to approve any amendments to the Statement of Principles following the Committee meeting and prior to submission to full Council for adoption on 18 November 2015; and
 - C. To approve the draft Statement of Principles subject to the above paragraph and recommend it for adoption by full Council on Wednesday 18 November 2015.
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 There is a statutory requirement under section 349 of the Gambling Act 2005 for the Council to review and republish its Statement of Principles under the Gambling Act 2005 every three years.

2. DETAILS

- 2.1 This is the fourth Statement of Principles in respect of the Gambling Act; the third having been adopted by the Council in 2013. It is a requirement under the Gambling Act 2005 that the Council's Statement of Principles under the Gambling Act 2005 be reviewed and adopted by the Council at least every three years.

- 2.2 At the Licensing Committee meeting on Tuesday 9 June 2015 the draft Statement of Principles under the Gambling Act 2005 for public consultation was presented showing the proposed changes to the document brought about by updates to legislation, and suggested changes put forward by the legal advisor to the Licensing Sub-Committee and the Licensing Manager. A copy of the draft Statement of Principles under the Gambling Act 2005 can be found at **Appendix “A”**.
- 2.3 The public consultation of the draft Statement of Principles under the Gambling Act 2005 took place between 22 June and 14 September 2015. An electronic copy of the draft document was published on the Council’s website. All responsible authorities, a number of interested parties, residents associations and Ward Councillors who receive a weekly e-mail notifying them of applications received by the Licensing Authority were notified of the public consultation. The Council’s consultation team also circulated details of the public consultation.
- 2.4 During the consultation period the Licensing Authority received one e-mail/letter from a local resident, a letter from Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB) and a letter from Coral Racing Limited. Copies of the three consultation responses can be found at **Appendix ‘B’**. Members of the Licensing Committee are asked to consider the points highlighted in each of the letters and to consider if necessary to make further changes to the draft Statement of Principles under the Gambling Act 2005 before adoption by full Council. Legal advice will be offered by the legal advisor to the Licensing Sub-Committee and the Licensing Manager during the open debate and discussion..
- 2.5 On Wednesday 30 September 2015 the Gambling Commission published their fifth edition of guidance to Licensing Authorities. In summary, one of the key changes for Licensing Authorities is a requirement to include a local area profile of the borough within the Council’s Statement of Principles under the Gambling Act 2005. All new applicants and existing premises licence holders (betting shops, tracks betting, bingo halls etc.) are required to undertake and have in place a local gambling risk assessment by the 6 April 2016 (this requirement was imposed by the Gambling Commission brought about by changes to the Licensing Conditions and Code of Practise (LCCP) document in February 2015). The operators local gambling risk assessment should be based on information published in the boroughs local area profile, and the operators own assessments of risk based on the locality of the licensed premises linked to the three licensing objectives, which are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - Ensuring that gambling is conducted in a fair and open way.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.6 Because of the delay in publication of the revised guidance it was not possible to include details of a local area profile in this version of the draft Statement of Principles under the Gambling Act 2005. It is proposed that a revised version of the Council's Statement of Principles, including a detailed local area profile of the borough, will be brought before the Licensing Committee early 2016 for consideration.

3. Alternative options

3.1 None for the purposes of this report.

4. Consultation undertaken or proposed

4.1 A twelve week (three month) public consultation was undertaken on the proposed revisions the (draft) Statement of Principles under the Gambling Act 2005 between 22 June and 14 September 2015.

5. Timetable

5.1 The draft Statement of Principles under the Gambling Act 2005 to go before full Council for adoption on Wednesday 18 November 2015.

6. Financial, resource and property implications

6.1 None for the purposes of this report.

7. Legal and statutory implications

7.1 None for the purposes of this report.

8. Human rights, equalities and community cohesion implications

8.1 These are statutory functions and are applied globally.

9. Crime and Disorder Implications

9.1 The service has a statutory duty to contribute to the reduction of crime and disorder within the London Borough of Merton under Section 17 Crime and Disorder Act 1988.

10. Risk management and health and safety implications

10.1 All risk and health and safety implications have been considered when compiling this report. None are apparent.

11. Appendices – the following documents are to be published with this report and form part of the report

11.1 Appendix "A" Draft Statement of Principles under the Gambling Act 2005.

11.2 Appendix "B" Details of the consultation responses received including one letter from a local resident, a letter from Gosschalks Solicitors written on behalf of the Association of British Bookmakers (ABB) and a letter from Coral Racing Limited.

12. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

12.1 The Gambling Act 2005; and

12.2 Gambling Commission Guidance to Local Authorities 5th Edition published on 30 September 2015.