

Committee: Licensing Committee

Date: 9 June 2015

Agenda item:

Wards: All.

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

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. The Licensing Committee to approve the recommended amendments to the revised Statement of Principles under the Gambling Act 2005 (Gambling Policy) before the start of the public consultation processes.
-

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 Review of the Statement of Principles under the Gambling Act 2005.

There is a statutory requirement under section 349 of the Gambling Act 2005 (the Act) for the Council to review its Statement of Principles under the Gambling Act 2005 every three years. The Council's current Statement of Principles under the Gambling Act 2005 will expire on 31 January 2016.

The Gambling Commission has recently commenced a consultation of their Guidance to Licensing Authorities (GLA) with significant changes proposed. It is essential that any new or revised Statement of Principles adopted by the London Borough of Merton should reflect this guidance and any new codes of practice that the revised GLA is based upon.

The Gambling Commission consultation on the revised GLA is a twelve week consultation period, ending on 22 June 2015. Following the close of the consultation period responses will need to be collated and considered by the Gambling Commission. It is therefore anticipated the full revised GLA will not be published by the Gambling Commission until the latter part of this year.

Unfortunately, the Licensing Authority cannot leave the current Statement of Principles in place without re-consulting and republishing its Statement of Principles under the Gambling Act 2005 as required by section 349 of the Act.

It is therefore proposed to update the Council's current Statement of Principles under the Gambling Act 2005 by making changes brought about by legislation and previous guidance updates only, and to start the twelve week public consultation process at the same time as the revised Statement of Licensing Policy under the Licensing Act 2003. If members agree the consultation process will start on Monday 22 June 2015 and finish on Monday 14 September 2015.

As part of the work already undertaken legal and licensing amendments arising from legislative changes have been made to the draft Statement of Principles under the Gambling Act 2005, which is attached at appendix "A". The draft document contains track changes for members to consider and approve before the start of the public consultation processes.

The Licensing Authority does not propose to distribute paper copies of the draft Statement of Principles under the Gambling Act 2005, but it will be available in electronic format on the Council's website.

Details of the responsible authorities are as follows:

- The local Chief Officer for the Metropolitan Police;
- The London Fire and Emergency Planning Authority;
- The local Planning Authority;
- The Director of Public Health;
- The local Children's Safe Guarding Board;
- The Manager of the local Environmental Health Team; and
- The Manager of the local Trading Standards Team;

The Licensing Authority will also notify the following organisations or individuals:

- Safer Merton;
- The British Transport Police;
- All local Ward Councillors;
- Local area forums;
- The Musician's Union and Equity;
- Persons/bodies representing local holders of premises licenses;
- Persons/bodies representing local holder of club premises certificates;

- Persons/bodies representing local businesses; and
- Local residents associations.

Electronic submissions of responses to the consultation for the revised Statement of Principles under the Gambling Act 2005 will be encouraged. This will ensure the process is cost efficient, and it should save time for local residents, businesses, responsible authorities and any person wishing to make comment of the proposed changes.

Following the end of the public consultation period, which it is proposed will end at midnight on Monday 14 September 2015; officers of the Licensing Authority will collate comments received. Details of the comments received and any suggested changes to the draft Statement of Principles under the Gambling Act 2005 will be made available to members for open discussion at a meeting before the Licensing Committee on Tuesday 20 October 2015.

Following this meeting, if Committee members agree to the proposed amendments to the draft Statement of Principles under the Gambling Act 2005, the Licensing Committee shall recommend adoption by Full Council.

It is proposed to take the final draft of the Statement of Principles under the Gambling Act 2005 to a Full Council meeting scheduled to take place on Wednesday 18 November 2015 for formal adoption.

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 to be undertaken on the proposed revisions the revised Statement of Principles under the Gambling Act 2005.

5. Timetable.

5.1 Public consultation for the revised Statement of Principles under the Gambling Act 2005 to start on Monday 22 June 2015 for a twelve week period and to finish on Monday 14 September 2015.

5.2 Comments received during the public consultation period and the final draft of the Statement of Principles under the Gambling Act 2005 to be submitted before the Licensing Committee on Tuesday 20 October 2015.

5.3 Statement of Principles under the Gambling Act 2005 to go to Full Council meeting 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 revised Statement of Principles under the Gambling Act 2005 showing proposed changes using track changes.

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 (to be revised and re-published late 2015).