

The Gambling Act 2005

Statement of Licensing Principles

Licensing Committee

Date: 22nd November 2018

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Wards: All
Parishes Affected: All

1. Purpose and Reasons

- 1.1 Section 349 of the Gambling Act 2005 requires that before each successive period of three years, the Licensing Authority prepares and publishes a Statement of Licensing Principles that it proposes to apply in exercising its functions under the Act during that three year period.
 - 1.2 The Statement of Licensing Principles forms the Licensing Authority's mandate for managing the local gambling provision and sets out how the Licensing Authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.
 - 1.3 A Statement of Licensing Principles must be prepared and published for the next 3 year period. The Statement of Licensing Principles must undergo consultation prior to the final determination by full Council.
 - 1.4 A Statement of Licensing Principles is attached at **Appendix A** to this Report for approval by Licensing Committee and for recommendation to Full Council for adoption.
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2. Recommendations

That the Committee:

- 2.1 It is recommended that the Committee approve the Statement of Licensing Principles, Appendix A, and refer the Statement to Full Council for adoption.

3.0 Detail

- 3.1 The Gambling Act 2005 (the Act) came in to full effect on the 1st September 2007. It created a new system of licensing and regulation for commercial gambling in England, Scotland and Wales. Amongst other changes, it gave Local Authorities new and extended responsibilities for licensing premises for gambling, some of which were transferred to the Local Authorities from the local Licensing Justices.

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3.2 The main functions given to Licensing Authorities are to:

- Licence premises for Gambling activities;
- Consider notices given for the temporary use of premises for gambling;
- Grant permits for gaming and gaming machines in Clubs and Miners' Welfare Institutes;
- Regulate gaming and gaming machines in alcohol licensed premises;
- Grant permits to Family Entertainment Centres for the use of certain lower stake gaming machines;
- Grant permits for Prize Gaming;
- Consider Occasional Use Notices for betting at tracks;
- Register Small Society Lotteries.

3.3 Whilst there have been no changes to the primary legislation since the first Statement of Licensing Principles was determined, the Gambling Commission has revised its Guidance to Licensing Authorities on several occasions.

3.4 A draft Statement of Principles was presented to Licensing Committee on the 4th April 2018. The consultation for this commenced on the 27th July 2018 and concluded on the 19th October 2018.

3.5 A response has been received from the current secretary of Gamblers Anonymous in Swindon. It is also understood that he has emailed Members of the Committee directly. A copy of his email is attached at **Appendix B** to this Report.

3.6 Information has now been included within the Statement at Section A-7 Safeguarding, identifying Gamblers Anonymous Swindon as being available to individuals who need assistance, help and advice in relation to problem gambling. The following has been added to Section A-7:

Swindon Borough Council is also aware and supports the work of Gamblers Anonymous in Swindon. They are a valuable source of information, help and assistance in relation to gambling addictions. Further information can be sought at www.gamblersanonymous.org.uk

3.7 At the Committee Hearing in April, Members requested a more detailed definition in relation to the term Vulnerable Person at A-6. The following definition has been added:

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Vulnerable Persons also includes a child or children and an individual aged 18 years or more who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

- 3.8 Within the first few pages of the Statement of Principles it was intended to have a map of the Swindon Borough Council's area. However, attempts to get a clear map capable of being reduced in size and printed clearly and legibly to a page have not been successful. Therefore, this page has been removed.

4. Alternative Options

- 4.1 Should the Licensing Authority not adopt a Statement of Licensing Principles every three years following an appropriate period of consultation it would be determining applications and exercising its functions ultra vires.
- 4.2 The Licensing Authority would further be liable to legal challenge by way of Judicial Review in the Administrative Courts.

5. Implications, Diversity Impact Assessment and Risk Management Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from this report.

Legal and Human Rights Implications

- 5.2 A declaration has been made by the Secretary of State, that the Gambling Act is compliant with the Human Rights Act.
- 5.3 Determining the Statement of Licensing Principles is a statutory function that must be carried out by Swindon Borough Council and consultation must be undertaken prior to determining the final Statement of Licensing Principles.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.4 The consultation will be undertaken using existing staff resources.
- 5.5 There are no other implications associated with this report.

Diversity Impact Assessment

- 5.6 It is not considered that the preparation of a DIA is required in respect of this report.

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5.7 Consultees

The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

5.8 Background Papers

Gambling Act 2005

Gambling Commission's Guidance to Licensing Authorities (5th Edition)

Swindon Borough Council's Statement of Licensing Principles dated April 2015

5.9 Appendices

Appendix A - Swindon Borough Council's Statement of Licensing Principles

Appendix B - Comments received during the consultation period.