

DECISION-MAKER:	COUNCIL			
SUBJECT:	TRIENNIAL REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES			
DATE OF DECISION:	15 NOVEMBER 2017			
REPORT OF:	SERVICE DIRECTOR TRANSACTIONS AND UNIVERSAL SERVICES			
<u>CONTACT DETAILS</u>				
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STATEMENT OF CONFIDENTIALITY		
None		
BRIEF SUMMARY		
Section 349 of the Gambling Act 2005 requires the City Council, as licensing authority to prepare and publish a statement of licensing principles (SLP) that it proposes to apply in exercising its functions under the Act. The Council adopted its first policy from January 2007. This policy must be reviewed at least every three years.		
A draft is attached at Appendix 1 for Members' consideration. The draft SLP includes relevant minor amendments as a result of revisions of Government statutory guidance, notably the inclusion of a local profile for applicants to apply a risk assessment to and as a result of consultation.		
RECOMMENDATIONS:		
	(i)	That Council considers the draft revised Gambling Act policy attached at Appendix 1 and adopts it as its Statement of Licensing Principles for the Gambling Act 2005.
REASONS FOR REPORT RECOMMENDATIONS		
1.	The Council has a statutory obligation to adopt, review and maintain a Statement of Licensing Principles (policy) in relation to the functions allocated to it under the Act. Whilst, generally, functions are delegated to the Licensing Committee under the Act, setting the SLP is one of the exceptions and must therefore be determined by Council.	
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED		
2.	Not applicable, the Council is required to have a SLP by law.	
DETAIL (Including consultation carried out)		
3.	Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act.	

4.	A draft SLP, was approved by the Licensing Committee on 21 st August 2017 to be published for consultation.
5.	The City Council has undertaken consultation on the draft SLP in accordance with the Act and Regulations as well as the Council's own consultation requirements.
6.	The Act provides for three categories of licence:- (a) Operating licences; (b) Personal licences; and (c) Premises licences
7.	The Gambling Commission issues operating licences and personal licences; and licensing authorities issue premises licences.
8.	The main functions of licensing authorities under the Act are as follows: - <ul style="list-style-type: none"> • Licensing premises for gambling activities□ • Considering notices given for the temporary use of premises for gambling□ • Granting permits for gaming and gaming machines in clubs and miners' welfare institutes • Regulating gaming and gaming machines in alcohol licensed premises • Granting permits to family entertainment centres for the use of certain lower stake gaming machines • Granting permits for prize gaming • Considering occasional use notices for betting at tracks • Registering small societies' lotteries
9.	In September 2015 the Gambling Commission issued revised detailed guidance to licensing authorities on the manner in which they are to exercise their functions under the Act, and in particular, the principles they should apply in exercising their functions. Parts 17 (Casinos), 18 (Bingo) and 19 (Betting Premises) were updated in September 2016.
10.	From April 2016 the Gambling Commission has required operators to identify risks to the licensing objectives associated with premises, its operation and the location in which it is sited. Operators must produce a risk assessment for each premises – setting out mitigation in place or planned to be put in place to reduce risk to the licensing objectives. These requirements are set out within the Commission's Licensing Conditions and Codes of Practice ("LCCP").
11.	Failure to produce a premises risk assessment amounts to a breach of the operator's licence and could result in revocation of that licence. This need to produce a risk assessment means that operators should pay close attention to local risks or concerns identified by the Licensing Authority in its SLP document. The impact of these changes is an increased importance of the SLP.
12.	The consultation process for the revised and updated SLP resulted in one response from Gosschalks Solicitors acting on behalf of The Association of British Bookmakers ("ABB") who asked for specific changes to the draft SLP. Their letter is attached to this report at Appendix 2. The suggested alterations appear on pages 6 and 7 of their letter and follow below with officer's recommendations on each proposal.

	<ul style="list-style-type: none"> • 9.4 The removal of “<i>fully meet the licensing objective concerns</i>”. Officers consider the removal of the word “fully” will allay the concern raised and bring the statement in line with guidance. • 9.5.3 The removal of “<i>it will be expected that operators will factor in levels of deprivation in their local area and exercise greater vigilance where appropriate in matters such as monitoring, intervention, self-exclusion and display of information</i>” Officers consider it is within the remit of the LA to identify local risks, SCC sees deprivation as a risk factor that should be addressed by potential operators. Recommend no change. • 9.5.6 Request to amend the bullet points by removing the final 6 points. To clarify that it is the view of SCC that the final 6 groups are vulnerable the formatting has been changed to clarify this point. • 9.5.7 Request to remove references to promote the licensing objectives. “in order” has been added to the first line as it is considered a reasonable expectation for applicants to meet. • 9.5.9 The ABB felt this was an additional requirement to maintain an additional log book. The paragraph does not require additional information to be recorded or in a different way or in a different place to that required by the Gambling Commission. Recommend no change. • 9.5.14 The ABB were concerned this paragraph was requiring them to exceed their area of responsibility. As a result officers have changed the line to read “outside the premises”. • 11.2 The ABB are concerned conditions will be imposed when there is a perceived need – it is suggested conditions may only be imposed where “evidence” justifies. Conditions are imposed to address risk and if there is a reasonable assessment of risk then conditions can be justified. There is no change, however, changes have been made to ensure the text regarding the imposition of conditions better reflects the guidance overall. • 17 The ABB is concerned that the statement fails to deal with Gaming Machines. The paragraph in question is entitled “Betting Machines” (i.e. machines installed to permit the gambler to place a bet) accordingly it does not deal with gaming machines (including fixed odds betting terminals).
13.	<p>The vast majority of the SLP is prescriptive or flows from statutory guidance which is expected to be included in the document unless there is very good reason not to do so. The changes proposed from the original document are track changed for ease and comments added to changes as a result of the consultation. The significant revisions are, in summary, as below:-</p> <ul style="list-style-type: none"> • Section 2 has an updated description of Southampton • Section 3 provides a full list of those consulted, this list is more

	<p>inclusive than previous years</p> <ul style="list-style-type: none"> • Section 5 identifies Children's Services as the competent body to advise about the protection of children • Section 9 introduces the concept of local profiles and the requirement for applicants to consider local risks • Section 11 brings the document into line with sections 9.3 and 9.21 of the Gambling Commission's guidance to local authorities • Section 15 reflects the fact that a Provisional Statement for a Large Casino has been granted. • Appendix B is a brief Local Profile. <p>Other marked changes reflect minor changes in guidance or formatting of the document.</p>
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
14.	None.
<u>Property/Other</u>	
15.	None.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
16.	Section 349 of the Gambling Act 2005.
<u>Other Legal Implications:</u>	
17.	The SLP sets out the factors which the Licensing Authority shall take into account, along with relevant statutory guidance, the Gambling Act 2005 and Regulations made thereunder when performing its licensing functions. It is important to note and reiterate that the Licensing Authority is unable to consider issues relating to morality or demand when determining premises licence applications.
RISK MANAGEMENT IMPLICATIONS	
18.	Failure to properly consult or adopt such a policy will leave decisions by the authority at risk of challenge
POLICY FRAMEWORK IMPLICATIONS	
19.	The Gambling Act policy is one of the policy framework documents that is required to be considered and adopted by full Council on at least a triennial basis.

KEY DECISION?	No
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WARDS/COMMUNITIES AFFECTED:		All
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Southampton city council revised Draft Statement of Licensing Principles (Tracked changes)	
2.	Response from the Association of British bookmakers	
Documents In Members' Rooms		
1.	None	
2.		
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		No
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		No
Other Background Documents		
Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	Gambling Commission Guidance to Licensing Authorities	http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf