

<b>DECISION-MAKER:</b>	<b>LICENSING COMMITTEE</b>
<b>SUBJECT:</b>	<b>REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES</b>
<b>DATE OF DECISION:</b>	<b>1<sup>st</sup> JULY 2021</b>
<b>REPORT OF:</b>	<b>EXECUTIVE DIRECTOR COMMUNITIES,CULTURE AND HOMES</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	COMMUNITIES,CULTURE AND HOMES	
	<b>Name:</b>	<b>Mary D’Arcy</b>	Tel: 023 8083 4611
	<b>E-mail</b>	<b>mary.d’arcy@southampton.gov.uk</b>	
<b>Author:</b>	<b>Title</b>	<b>Licensing Manager</b>	
	<b>Name:</b>	<b>Phil Bates</b>	Tel: 023 8083 3523
	<b>E-mail</b>	<a href="mailto:Phil.bates@southampton.gov.uk">Phil.bates@southampton.gov.uk</a>	

<b>STATEMENT OF CONFIDENTIALITY</b>
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None

<b>BRIEF SUMMARY</b>
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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. The previous SLP was adopted on 31st January 2019.

A draft is attached at Appendix 1 for Members’ consideration. There are no significant policy changes, however the local profile contains considerably more detail than previous versions. A draft questionnaire to assist with the consultation is also attached for consideration.

<b>RECOMMENDATIONS:</b>
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	(i)	The Licensing Committee considers both the draft revised Gambling Act Statement of Licensing Principles attached at Appendix 1 and the draft questionnaire at Appendix 2 and endorse both for consultation purposes;
	(ii)	The Licensing committee approve the consultation period to run from 5th July 2021 to 27th September 2021
	(iii)	That a further report is brought before the Licensing Committee summarising the consultation responses and any proposed amendments to the Statement of Licensing Principles for recommendation to full council in November 2021 to adopt the new Statement of Licensing Principles with effect from 31 <sup>st</sup> January 2022

<b>REASONS FOR REPORT RECOMMENDATIONS</b>
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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.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	Not applicable, the Council is required to have a SLP by law.
<b>DETAIL (Including consultation carried out)</b>	
3.	The City Council intends to undertake consultation on the draft SLP in accordance with the Act and Regulations as well as the Council's own consultation requirements. The current draft SLP will also be available on the Council's website.
4.	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.
5.	The Act provides for three categories of licence:- (a) Operating licences; (b) Personal licences; and (c) Premises licences
6.	The Gambling Commission issues operating licences and personal licences; and licensing authorities issue premises licences.
7.	The main functions of licensing authorities under the Act are as follows: - <ul style="list-style-type: none"> <li>• Licensing premises for gambling activities□</li> <li>• Considering notices given for the temporary use of premises for gambling□</li> <li>• Granting permits for gaming and gaming machines in clubs and miners' welfare institutes</li> <li>• Regulating gaming and gaming machines in alcohol licensed premises</li> <li>• Granting permits to family entertainment centres for the use of certain lower stake gaming machines</li> <li>• Granting permits for prize gaming</li> <li>• Considering occasional use notices for betting at tracks</li> <li>• Registering small societies' lotteries</li> </ul>
8.	In May 2021 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.
9.	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").
10.	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.
11.	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 Council also has the benefit of Leading Counsel's opinion on a previous draft document to ensure it meets the statutory requirements. The few minor amendments are highlighted in tracked changed for ease.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
12.	None
<b><u>Property/Other</u></b>	
13.	None
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
14.	Section 349 of the Gambling Act 2005.
<b><u>Other Legal Implications:</u></b>	
15.	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.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
16.	It is a statutory requirement of the authority to adopt a Gambling Statement of Licensing Principles, this report is to approve the documents to be used in the consultation process. As such there is minimal risk at this point. However please note there is a risk of service delivery and to reputation if the policy is not properly adopted by the council in November.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
17.	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.

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	Draft revised Gambling Act Statement of Licensing Principles
2.	Draft questionnaire to accompany the consultation.

## Documents In Members' Rooms

1.	
2.	
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	<b>Yes</b>
<b>Data Protection Impact Assessment</b>	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	<b>No</b>
<b>Other Background Documents</b>	
Other Background documents available for inspection at:	
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	<a href="#">Gambling Commission Codes of Practice</a>
2.	<a href="#">Gambling Commission guidance to licensing authorities</a>