

<b>DECISION-MAKER:</b>	<b>LICENSING COMMITTEE</b>		
<b>SUBJECT:</b>	<b>TRIENNIAL REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES</b>		
<b>DATE OF DECISION:</b>	<b>21st August 2017</b>		
<b>REPORT OF:</b>	<b>SERVICE DIRECTOR TRANSACTIONS AND UNIVERSAL SERVICES</b>		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>	
<b>None</b>	
<b>BRIEF SUMMARY</b>	
<p>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.</p>	
<p>A consultation 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.</p>	
<b>RECOMMENDATIONS:</b>	
	<p>(i) That Council considers the draft revised Gambling Act policy attached at Appendix 1 and endorses for consultation purposes;</p>
	<p>(ii) That a further report be taken to Council for consideration in November 2017 following consultation.</p>
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	The Council has a statutory obligation to adopt a Statement of Licensing Principles and administration of all matters 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 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. Sections 17, 18 and 19 were updated in September 2016.
9.	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 has also had the benefit of Leading Counsel's opinion on the draft SLP in order to ensure it meets all statutory requirements. The changes proposed are track changed for ease. The significant revisions are, in summary, as below:- <ul style="list-style-type: none"> <li>• Section 2 has an updated description of Southampton</li> <li>• Section 3 provides a full list of those consulted, this list is more inclusive than previous years</li> <li>• Section 5 identifies Children's Services as the competent body to advise about the protection of children</li> <li>• Section 9 introduces the concept of local profiles and the requirement for applicants to consider local risks</li> <li>• Section 15 reflects a Provisional Statement for a Large Casino has been granted.</li> <li>• Appendix B is a brief Local Profile.</li> </ul> Other marked changes reflect minor changes in guidance or formatting of the document.

<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
10.	None
<b><u>Property/Other</u></b>	
11.	None
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
12.	Section 349 of the Gambling Act 2005.
<b><u>Other Legal Implications:</u></b>	
13.	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>	
14.	Failure to properly consult or adopt such a policy will leave decisions by the authority at risk of challenge
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
15.	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>	<b>All</b>
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	<b>Southampton city council revised Draft Statement of Licensing Principles (Tracked changes)</b>
2.	
<b>Documents In Members' Rooms</b>	
1.	<b>None</b>

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.		No
<b>Privacy Impact Assessment</b>		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		No
<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.	Gambling Commission Guidance to Licensing authorities	<a href="http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf">http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf</a>
2.		