

DECISION-MAKER:	COUNCIL		
SUBJECT:	ADOPTION OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES		
DATE OF DECISION:	21 NOVEMBER 2018		
REPORT OF:	SERVICE MANAGER FOR LICENSING		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Phil Bates	Tel: 023 8083 3523
	E-mail:	phil.bates@southampton.gov.uk	
Director	Name:	Mitch Sanders	Tel: 023 8083 3613
	E-mail:	mitch.sanders@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
<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 and re-adopted every three years. The previous SLP was adopted on 1st January 2018 and took into account updates in guidance. This midterm adoption does not negate the requirement to publish and re-adopt the SLP on a three-yearly basis (i.e. by 31st January 2019).</p>	
<p>The proposed Statement of Licensing Principles is attached at Appendix 1 for consideration. The SLP includes only minor amendments as a result of consultation responses and it is only a year since the last adoption of the SLP.</p>	
RECOMMENDATIONS:	
	(i) The Council considers the revised Gambling Act SLP attached at appendix 1 and adopts the revised Gambling Act SLP with effect from 31st January 2019 and for a period of three years.
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.	The City Council undertook consultation on the SLP in accordance with the Act and Regulations as well as the Council's own consultation requirements.
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"> • 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
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. Parts 17 (Casinos), 18 (Bingo) and 19 (Betting Premises) were updated in September 2016.
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 consultation process resulted in 7 responses from the following parties: <ul style="list-style-type: none"> • The Bingo Association • Gamble Aware • Gamcare • Association of British Bookmakers (ABB) • Southampton City Council Public Health • Race Course Association • Talarius Limited

12.	A summary of the responses, including officer comments, is attached to this report as appendix 2. Copies of the responses are available in the members' room.
13.	As a result of the responses to the consultation officers have made minor amendments to the SLP from the consulted upon document. These minor changes are highlighted in the proposed document and the highlighting will be removed once approved.
14.	The comments and changes made are of a technical nature and do not significantly impact on the policy of the Council.
15.	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 the previous draft document to ensure it meets the statutory requirements.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
16.	None
<u>Property/Other</u>	
17.	N/A
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
18.	Section 349 of the Gambling Act 2005.
<u>Other Legal Implications:</u>	
19.	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.
20.	Public authorities, under the Equality Act 2010, have a legal obligation to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. An Equality Impact Assessment has not been carried out in this instance as the risks associated with the publication of this document on this duty are considered to be low.
RISK MANAGEMENT IMPLICATIONS	
21.	Failure to properly consult or adopt such a policy will leave decisions by the authority at risk of challenge
POLICY FRAMEWORK IMPLICATIONS	
22.	The Gambling Act policy is one of the policy framework documents that is required to be considered and adopted by full Council on a triennial basis.

KEY DECISION?	No	
WARDS/COMMUNITIES AFFECTED:	All	
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Southampton City Council proposed Statement of Licensing Principles	
2.	Summary of responses to consultation and officer comments	
Documents In Members' Rooms		
1.	Copies of all 7 responses to the consultation.	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		No
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) 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	https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx