

**Report to:** General Licensing Committee

**Date:** 7 January 2019

**Title:** Review of Eastbourne Borough Council's Statement of Gambling Principles

**Report of:** Interim Director of Service Delivery

**Ward(s):** All

**Purpose of report:** To consider and approve reviewed Statement of Gambling Principles

**Officer recommendation:** That the General Licensing Committee agree the reviewed and revised Statement of Gambling Principles and recommend the Statement to full Council.

**Reasons for recommendations:**

(1) To ensure a comprehensive and workable Statement of Principles is in place and that Eastbourne Borough Council complies with the requirements of the Gambling Act 2005.

(2) To enable the General Licensing Committee to consider the proposed changes.

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## **1 Introduction**

- 1.1 The Gambling Act 2005 ("the Act") requires Licensing Authorities to prepare and publish for a three year period, a Statement of Principles for their area which apply when exercising our functions under the Act.
- 1.2 The Act places a duty on the Licensing Authority to develop a Statement of Principles that promotes the three licensing objectives:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
  - Ensuring that gambling is conducted in a fair and open way, and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.3 The current Statement of Gambling Principles was approved by Full Council, and came into effect on 17<sup>th</sup> February 2016.

- 1.4 The Act further requires Licensing Authorities to review the Statement of Principles from time to time, and revise the Statement if necessary.
- 1.5 The amended Statement of Principles attached as Appendix A has been the subject of a 4 week consultation which included members of the trade, responsible authorities, Chief Officer of the Police, current licence holders and elected members.
- 1.6 Further details of who was consulted between the 1 December 2018 and 31 December 2018 can be found in the Statement of Principles (Appendix A)
- 1.7 The full responses from the consultation are included at Appendix B. Due to time constraints Appendix B will be sent to Members and published on the Council's website before the meeting on 7<sup>th</sup> January 2019.

## **2 Revisions**

- 2.1 The reviewed Statement of Gambling Principles remains, with minor insignificant changes in red (Appendix A). The main changes which were proposed in the draft Statement of Gambling Principles consultation are found in points 3.2, 3.3 and 3.4 and are found at point 7 and point 10.6 in the revised Statement.
- 2.2 The Gambling Commission has introduced new provisions which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. Gambling operators are required to undertake a risk assessment of all of their existing premises. A risk assessment will also be required when submitting an application for a new or varied licence.
- 2.3 Following 06 April 2016 operators must also undertake a review of their assessments when certain triggers are met, for example when significant changes are made to the premises, ie:
- Any building work or premises refit where gambling facilities are relocated within the premises.
  - The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
  - Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
  - The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
  - New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
  - The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual

entertainment on the premises.

2.4 The proposed Statement of Gambling Policy requests the following information from applicants as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

### **3 Financial Appraisal**

3.1 There are no additional financial implication to this report

### **4 Legal implications**

4.1 Under section 349 Gambling Act 2005 a Licensing Authority shall before each successive period of three years prepare a Statement of the principles which they will apply in exercising their functions under the Act during that period. The same section states that the Authority shall consult with the Chief Officer of Police, those who represent the interests of people carrying on gambling businesses in the Authority's area and those who appear to the Authority to represent the interests of people who are likely to be affected by the exercise of the Authority's functions.

4.2 The Licensing Authority should also take account of the Gambling Act 2005 (Licensing Authority Policy Statement) Regulations 2006 which states the legal rules for the form of the Statement and the procedure to be followed in preparing and publishing a Statement.

4.3 This report has been reviewed by Legal Services on 19 December 2018 Iken 7882 MW

### **5 Appendices**

Appendix 1 Statement of Gambling Policy 2019-2022