

Agenda Item No: 6

Report No: 19/16

Report Title: Updating of Lewes District Council's Gambling Statement of Principles

Report To: Licensing Committee Date: 26 January 2016

Report By: Director of Service Delivery

Contact Officer(s)-

Name(s): Susan Lindsey
Post Title(s): Licensing Officer
E-mail(s): sue.lindsey@lewes.gov.uk
Tel No(s): 01273 484354

Purpose of Report:

To consider and approve the amended Gambling Statement of Principles revised after the statutory three year period.

Officers' Recommendation

- That the Licensing Committee receives and considers the revised Gambling Statement of Principles at Appendix A
- That the Licensing Committee, having been provided with feedback from the consultation, delegates authority to the Head of Service Delivery to make any amendments to the draft statement in accordance with the committee's comments and recommends the amended statement to the Council for approval.
- That the Licensing Committee does not at this time ask the Head of Service Delivery to complete a Local Area Profile

1. Reasons for Recommendations

- To ensure a comprehensive and workable Statement of Principles is in place and that Lewes District Council complies with the requirements of the Gambling Act 2005.
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2. Information

- 2.1 The Gambling Act 2005 requires Licensing Authorities to prepare and publish for a three year period, a Statement of Principles for their area which we propose to apply when exercising our functions under the Act.

- 2.2 The Act places a duty on the Council 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.
- 2.2 The current Statement of Gambling Principles was approved by this Council, and came into effect on 1st March 2013.
- 2.3 The Act further requires Licensing Authorities to constantly keep their statement of principles/policy under review, which must be adopted and republished every three years.
- 2.4 The amended Statement of Principles attached as Appendix A has been the subject of a 3 month consultation which included members of the trade, responsible authorities, current licence holders and elected members

3. Changes

- 3.1 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 will be required to undertake a risk assessment of all of their existing premises by 06 April 2016. A risk assessment will also be required when submitting an application for a new or varied licence.
- 3.2 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. 10 Westminster City Council's Guidance on Undertaking Local Gambling Risk Assessment

- 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.

3.3 The statutory guidance states that 'Licensing Authorities will *find it useful* to complete their own risk assessment (referred to as Local Area Profiles) of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape'. The purpose of the local area profile is to highlight specific risk that operators will need to address in their risk assessment, ie:

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people.
- Transport links and parking facilities.
- Educational facilities.
- Community centres.
- Hospitals, mental health or gambling care providers.
- Homeless or rough sleeper shelters, hostels and support services.
- The ethnicity, age, economic makeup of the local community.
- Crime and anti-social behaviour

(the above examples are not exhaustive and would be modified to fit the Lewes District profile)

3.4 Since the implementation of the Gambling Act 2005 Lewes District has seen the closure of 3 betting shops. Only one application has been received to extend an existing licensed premises, and no new premises have applied. It is therefore of questionable value, at this time, for the council to commit the possibly considerable staff time and resources to the completion of a Local Area Profile.

3.5 It is, therefore, for the Committee to decide whether the Lewes District would *find it useful* to undertake its own Local Area Profile to highlight any specific risks that operators will need to address in their risk assessment.

4. **Consultation**

4.1 The amended Statement of Principles has been subject to a period of statutory consultation as required by legislation. We have consulted with all other responsible authorities, the trade, local stakeholders and other

interested groups and have provided an online consultation facility available to the public residents and business.

4.2 The consultation period of three months commenced on 1st September 2015 and concluded on 1st December 2015.

4.3 We have received three written responses to the formal consultation and these responses are attached as Appendix B, C and D

5. **Decision**

5.1 To agree / or not, to the amendments requested in the consultation responses

5.2 To agree / or not / or defer a decision, to implement a Lewes District Local Area Profile.

Financial Appraisal

Legal Implications

Sustainability Implications

Equality Screening

Appendices:

Appendix A - Statement of Principles

Appendix B - Response to consultation – The Racecourse Association Ltd

Appendix C - Response to consultation – Coral Racing Ltd

Appendix D - Gosschalks Solicitors