

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

Report To: Licensing Committee **Date:** 11 December 2018

Report By: Head of Service Delivery

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Purpose of Report:

To consider and approve reviewed Statement of Gambling Principles.

Officers' Recommendation

- That the Licensing Committee agree the reviewed and revised Statement of Gambling Principles (Appendix A) and agree a 4 week consultation period.
- That the Licensing Committee agree that the Senior Specialist Advisor in conjunction with the Chair be authorised to recommend the reviewed and revised Statement of Gambling Principles to full Council, unless substantial changes are suggested during the consultation period, in which case the consultation results will be brought back to the Licensing Committee

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.
- To enable the Licensing Committee to consider the proposed changes.

2. Information

2.1 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.

2.2 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
- 2.2 The current Statement of Gambling Principles was approved by Full Council, and came into effect on 25th February 2016.
- 2.3 The Act further requires Licensing Authorities to review the Statement of Principles from time to time, and revise the Statement if necessary.
- 2.4 The amended Statement of Principles attached as Appendix A will be the subject of a 4 week consultation which will include members of the trade, responsible authorities, current licence holders and elected members.
- 2.5 Further details of who will be consulted can be found on page 4 of the Statement of Principles (Appendix A)

3. **Revisions**

- 3.1 The reviewed Statement of Gambling Principles remains, with minor insignificant changes in red (Appendix A)
- 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 are 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.

- 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.

3.6 It is proposed Lewes District 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.

Financial Appraisal

There are no additional financial implication to this report

Legal Implications

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 Licensing 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.

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.

This report has been reviewed by Legal Services on 23 November 2018 (IKEN 7878-MW).

Appendices:

Appendix A - Statement of Gambling Principles