

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES		
DATE OF DECISION:	20 JULY 2018		
REPORT OF:	SERVICE DIRECTOR TRANSACTIONS AND UNIVERSAL SERVICES		
<u>CONTACT DETAILS</u>			
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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 at least every three years. The previous SLP was adopted on 1st January 2018, this was out of sync with the three year cycle the Gambling commission require. The Gambling Commission require SLPs to be adopted by 31st January 2019.</p>	
<p>A draft is attached at Appendix 1 for Members' consideration. The draft SLP includes only minor amendments as it is only a year since the last adoption of the SLP.</p>	
RECOMMENDATIONS:	
	(i) To consider the draft revised Gambling Act policy attached at Appendix 1 and to endorse for consultation purposes;
	(ii) To approve the consultation period to run from 23 July 2018 to 12 October 2018;
	(iii) To recommend that a further report is taken to Council for consideration in November 2018 following consultation.
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.
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 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"> • 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 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. The very few minor amendments are tracked changed for ease.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
12.	None
<u>Property/Other</u>	
13.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
14.	Section 349 of the Gambling Act 2005.
<u>Other Legal Implications:</u>	
15.	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.
RISK MANAGEMENT IMPLICATIONS	
16.	Failure to properly consult or adopt such a policy will leave decisions by the authority at risk of challenge
POLICY FRAMEWORK IMPLICATIONS	
17.	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.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Tracked change draft copy of revised Statement of Licensing Principles for the Gambling Act 2005

Documents In Members' Rooms

1.	Gambling Commission Codes of Practice http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Codes-of-practice.aspx
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2.	Gambling Commission guidance to licensing authorities http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx	
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.		
2.		