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**COMMITTEE: LICENSING & REGULATORY REF NO: LR/18/15**

**DATE: 29 NOVEMBER 2018**

**SUBJECT: GAMBLING ACT 2005: DETERMINATION OF  
STATEMENT OF LICENSING PRINCIPLES  
FOR THE NEXT 3 YEARS**

**PORTFOLIO HOLDER: COUNCILLOR A ROSS**

**HEAD OF SERVICE: IAN BLOFIELD**

***Short description of report content and the decision requested:***

This report sets out the results of a public consultation exercise on the draft Statement of Licensing Principles 2019-2022.

Committee is asked to note the report and submit the amended draft Statement to Council for approval together with any comments it considers appropriate.

***Ward(s) affected:***

All

***List of Appendices included in this report:***

a) Appendix 1 – Draft Statement of Principles

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***This report was prepared after consultation with:***

*Internal consultees*

*External consultees*

*Various mandatory and discretionary consultees (see Schedule A of the Draft Statement of Licensing Principles)*

***The following policies form a context to this report:***

*(all relevant policies must also be referred to in the body of the report)*

*Building a Better Ipswich 2017*

### **LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW**

*(papers relied on to write the report but which are not published and do not contain exempt information)*

1. Report to Licensing and Regulatory Committee on 29 August 2018 – Reference LR/18/08.

### **OTHER HELPFUL PAPERS**

*(papers which the report author considers might be helpful – this might include published material)*

1. Gambling Act 2003
2. Gambling Commission Guidance to Licensing Authorities (4<sup>th</sup> and 5<sup>th</sup> Editions).

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## **1. Introduction**

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- 1.1 The Gambling Act 2005 (the 'Act') requires Licensing Authorities to adopt a Statement of Principles (the 'Statement') setting out the basis on which it will perform its licensing functions. The Statement is prepared in line with the fundamental principles in the Act and set down in the Guidance published by the Gambling Commission (the 'Guidance').
- 1.2 The Council adopted its first Statement in January 2007. Each Statement has a life of three years. At the end of the three-year period a new policy must be determined, following a statutory consultation process.
- 1.3 The Committee is requested to consider submitting the Statement to Council for formal adoption with effect from January 2019.

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## **2. Background**

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- 2.1 The Licensing and Regulatory Committee approved the draft Statement for the purposes of public consultation on 29 August 2018 (a copy is attached as Appendix 1).
- 2.2 The public consultation period closed on 31 October 2018. A list is included at Schedule A to the draft Statement which details those organisations and individuals to whom details of the consultation were sent. In addition, details were published on the Council's website and copies sent to libraries in Ipswich.

### **Responses to Consultation**

- 2.3 Comments were received from 2 sources during the consultation period. One response was from GamCare and was a generic response to all local authority's consultation. The other was from Gosschalks suggesting two amendments to the Policy, which have been incorporated in Section B, paragraphs 1.7 and 8.2, as shown in Appendix 1.
- 2.4 It is recommended that the draft Statement be amended as suggested in Appendix 1 and submitted to Council for formal adoption with effect from January 2019.

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## **3. Relevant Policies**

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- 3.1 The delivery of a licensing service and associated enforcement functions contribute to the Council's vision by making the town a safe environment for people to enjoy their leisure time.

- 3.2 The implementation of a Statement of Principles will guide the licensing process and help prevent gambling from being a source of crime and disorder; associated with crime and disorder or used to support crime.

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#### 4. Risk Management

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<b>Risk Description</b>	<b>Consequence of risk</b>	<b>Risk Controls</b>	<b>Probability of risk occurring taking account of controls (scale 1-6) 1 – almost impossible 6 – very high</b>	<b>Impact of risk, if it occurred taking account of actions (scale 1 – negligible; 4 – catastrophic)</b>	<b>Actions to mitigate risk</b>
Failure to review and publish a Statement of Principles in accordance with the Gambling Act 2005 could expose the Council to legal challenge over its procedures for dealing with applications.	Decisions about licence applications could be challenged by judicial review	draft Statement of Principles be approved and consultation carried out.	2	2	Allow for an adequate consultation period and sufficient time to publish a revised Statement of Principles by the deadline of 31 January 2019.

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#### 5. Environmental Impact Assessment

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- 5.1 Not applicable.

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#### 6. Equalities and Diversity Implications

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- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.

- 6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 6.4 The Statement of Principles sets out how the Council will undertake its responsibilities under the Gambling Act 2005 equally for all sectors of the community.
- 6.5 An equality impact screening assessment has been carried out and there are no equality and diversity implications arising from this report or from the draft Statement.

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## **7. Financial Considerations**

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- 7.1 The Secretary of State has established fee levels to provide full cost recovery of all licensing functions under the Act, including the preparation and publication of a statement of principles.

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## **8. Legal Considerations**

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- 8.1 The Gambling Act 2005 requires Licensing Authorities to adopt a Statement of Licensing Principles which must be reviewed every three years.

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## **9. Performance Monitoring**

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- 9.1 A new Statement of Principles has to be published from January 2019.

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## **10. Conclusions**

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- 10.1 The Gambling Act 2005 requires Licensing Authorities to prepare a Statement setting out the basis on which it will perform its licensing functions. This Statement must be circulated for consultation and approved by Council before being published and must be renewed every three years, or earlier if required. A revised version must be published from January 2019.
- 10.2 Responses were received during the consultation process and amendments to the Statement recommended where felt to be necessary.

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**11. Recommendations**

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- 11.1 That the revised draft Statement, attached as Appendix 1, be submitted to the Council for consideration and adoption.