

STROUD DISTRICT COUNCIL

**AGENDA
ITEM NO**

COMMUNITY SERVICES AND LICENSING COMMITTEE

TO COUNCIL ON 18 OCTOBER 2018

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This is a copy of Agenda Item 11 to the Committee on 6 September 2018

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| Report Title | Review of Stroud District Council's Statement of Principles under the Gambling Act 2005 |
| Purpose of Report | To provide information that will allow Committee to agree a final revised Statement of Principles and to recommend that is adopted by Full Council. The Statement outlines the principles Stroud District Council will apply when exercising its functions under the Gambling Act 2005. |
| Decision(s) | Committee RECOMMENDS to Council: Council adopts the Revised Statement of Principles (Appendix 1) at its meeting on 18 th October 2018. |
| Consultation and Feedback | There has been formal consultation between 14 th May 2018 and 31 st July 2018. |
| Financial Implications and Risk Assessment | There are no direct financial implications arising from this report. Adele Rudkin, Accountant 01453 754109 Email: adele.rudkin@stroud.gov.uk Risk Assessment Failure to meet the requirements of the Gambling Act 2005, with regard to reviewing and readopting the Statement of Principles every 3 years, could lead to any decisions being made under the Act being unlawful. Rachel Andrew, Principal Licensing Officer |
| Legal Implications | The draft policy is compliant with the requirements of section 349 of the Gambling Act 2005 and The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006, as well as the relevant statutory guidance. If any further amendments are proposed, the Council should ensure firstly, that such amendments do not duplicate other legislation (for example in relation to health and safety at work or fire safety) and secondly, that nothing in the statement attempts to prevent any application from being considered on its own merits (for example, blanket statements as to where gambling premises will and will not be permitted). R1008D2308C2108 Mike Wallbank, Solicitor E-Mail: Mike.Wallbank@Stroud.gov.uk |
| Report Author | Rachel Andrew, Principal Licensing Officer Tel: 01453 754401 Email: rachel.andrew@stroud.gov.uk |

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| Options | The Gambling Act 2005 requires the Council to formally consult, determine and publish its Statement of Principles every 3 years. The current Statement will expire on 30 th January 2019. A new Statement of Principles must be adopted and published before this date in order that the Council can continue to exercise its functions under the Gambling Act 2005. |
| Performance Management Follow Up | The Council must keep its Policy under review and make such revisions to it at such times as it considers appropriate. |
| Background Papers/ Appendices | Appendix 1 – Draft Revised Statement of Principles Appendix 2 – Schedule of Consultation Comments |

1 Introduction

- 1.1 Under the Gambling Act 2005 the Council, as the Licensing Authority, is responsible for issuing and enforcing licences, permits and notifications under the Act. These include:
- Licences for premises where gambling activities take place such as betting shops and arcades.
 - Permits and notifications for gaming machines.
 - Registrations for small society lotteries.
- 1.2 Stroud District has only a small number of licensed premises under the Gambling Act 2005. These are 6 Betting Shops and 2 Adult Gaming Centres. In addition there are 2 Family Entertainment Centre Permits, 10 Club Gaming Machine Permits and 4 Licensed Premises Gaming Machine permits. There are no licensed Bingo Clubs or Casinos within the District. Currently the legislation does not allow for a new application to be made for a Casino in Stroud District. There have been no hearings with regard to the Gambling Act 2005 at Stroud District Council.

2 Background

- 2.1 Section 349 of the Gambling Act 2005 requires that the Licensing Authority shall, before each successive period of three years, prepare a Statement of Principles that they propose to apply in exercising their functions under the Act and they must publish that statement.
- 2.2 The Act also states that, in preparing the Statement, the Licensing Authority shall consult with the Police, persons representing persons carrying on gambling businesses and those affected by such businesses.
- 2.3 Section 154 of the Act provides that the function of revising the Statement may not be delegated to a Committee. This means that the decision to adopt a revised Statement must be made by full Council.

3 Review of current Statement of Principles

3.1 Stroud District Council's current Statement of Principles has effect until 30th January 2019. The current Statement has been reviewed and updated by the Principal Licensing Officer to produce a draft revised Statement of Principles.

3.2 There have been no major changes in the legislation and no issues in Stroud District since the last review 3 years ago. Therefore only minor revisions have been made to the Statement. Account has been taken of Guidance to Licensing Authorities by the Gambling Commission.

3.3 The main proposed revisions in the draft are:

- More detail on what the Council expects applicants and licence holders to include in their local risk assessment
- More detail on what the Council expects to be included on plans and clarifying the procedure if there is a change to the layout of a licensed premises
- More detail on the matters the Council will have regard to when considering the suitability of a location

3.4 Timetable for review

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| 14 th May 2018 to 31 st July 2018 | 12 week formal consultation period on Draft Revised Statement of Principles |
| 14 th August 2018 | Working party consider any comments from the consultation and recommend any appropriate amendments to the Draft Revised Statement of Principles |
| 6 th Sept 2018 | Committee consider Final Draft Revised Statement of Principles |
| 18 th Oct 2018 | Adoption of Revised Statement of Principles by full Council |
| 3 rd Dec 2018 | Statement of Principles to be published (must be at least 4 weeks before it comes into force) |
| 31 st Jan 2019 | Statement of Principles comes into force |

4 Consultation

4.1 A draft revised Statement of Principles has been out for formal consultation between 14th May 2018 and 31st July 2018.

4.2 Information about the consultation and the draft revised Statement showing the proposed changes was available on Stroud District Council's website. A link to this webpage was circulated to a wide list of consultees including all Councillors. The full list of consultees is shown in Appendix B of the draft revised Statement (Appendix 1 of this report).

- 4.3 The comments received during the consultation period are shown in a schedule which is Appendix 2.
- 4.4 After the consultation period a working party, made up of the Chair of the Committee, the Head of Health and Wellbeing, Principal Licensing Officer, Licensing Officer and Legal Officer, considered the comments made during consultation. Appendix 2 shows the working party's responses to the comments and any recommended amendments to the Statement.

5 Recommendation

- 5.1 A draft revised Statement of Principles is Appendix 1 of this report. Revisions made to the Statement prior to consultation are shown in red and further revisions made by the working party to take account of consultation comments are shown in blue.
- 5.2 In order that the Licensing Authority can continue to exercise its licensing functions under the Gambling Act 2005 it is recommended that Committee recommends that Appendix 1 is adopted by Council at its meeting on 18th October 2018.