

Chichester District Council

Alcohol and Entertainment Licensing Committee

27 February 2019

Council

21 May 2019

Gambling Act 2005 - The Council's proposed Draft Statement of Policy 2019 - 2022

1. Contacts

Report Authors:

Laurence Foord – Divisional Manager
Communications, Licensing & Events
Telephone: 01243 534742 E-mail: lfoord@chichester.gov.uk

David Knowles-Ley – Licensing Manager
Telephone: 01243 534743 E-mail: dknowles-ley@chichester.gov.uk

Cabinet Member:

Councillor John Connor – Cabinet Member for Environment Services
Telephone: 01243 604243 E-mail: jconnor@chichester.gov.uk

2. Executive Summary

To introduce the Council's proposed Draft Statement of Policy under the Gambling Act 2005 for the period of 2019 – 2022 and seek approval for public consultation.

3. Recommendations

Recommendation to Alcohol and Entertainment Licensing Committee

- 3.1 That the draft revised Statement of Policy for the period 2019 – 2022 for the Chichester district is approved for public consultation.**
- 3.2 That authority be delegated to the Director of Growth and Place to consider any representations arising from the consultation exercise and, provided the representations do not require significant amendments to the draft Policy, to recommend adoption to Council on 21 May 2019 (with minor amendments if considered appropriate) following consultation with the Cabinet Member for Environment Services.**
- 3.3 In circumstances where significant amendments to the Policy are required that these are reported back to the Alcohol and Entertainment Licensing Committee for further consideration.**

Recommendation to Council

3.4 That the Policy (as amended in accordance with 3.2 and/or 3.3 above) be approved and published.

4. Background

4.1 This Licensing Authority (the 'Authority') is required by way of Section 349 of the Gambling Act 2005 (the 'Act') to prepare and publish a statement of licensing principles that it proposes to apply in exercising its various functions under the Act, commonly referred to as a 'Statement of Policy' (the 'policy'). A number of specific matters must be considered and determined within the policy in order that the provision of betting, gaming and lotteries within the district is provided in a manner that promotes the three statutory licensing objectives, these are:

- 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.

Once adopted by the Authority, a policy ordinarily has effect for a period of three years and is kept under review during this period so as to ensure it remains suitable and adequately addresses any new or emerging issues that arise.

This Authority's first ever policy ceased to have effect on the 31 January 2010, however due to fitting the review of each subsequent policy into the existing committee timetable, the date on each subsequent policy granted has slipped back slightly. This is the case for many other licensing authorities. The Gambling Commission has become aware of the slippage and we have agreed, following positive discussions, that this policy will have effect until 31 January 2022 only.

4.2 The current policy has had effect since 21 June 2016 following approval by Council. It has not been the subject of any legal challenge or complaint.

4.3 The current policy is due to expire at the end of 20 June 2019 and it is therefore necessary to undertake a review. Whilst undertaking the review, officers have carefully considered the content of the current policy specifically against the 5th edition of the statutory guidance issued by the Gambling Commission in September 2015 with Parts 17, 18 and 19 updated September 2016. The Act requires that licensing authorities must have regard to this guidance.

5. Outcomes to be achieved

5.1 Approval of a six week public consultation of the proposed revised policy for the Chichester district for the period 2019 – 2022.

5.2 Following the public consultation, any responses received will be carefully considered and, where appropriate or necessary, further amendments made to the policy. The date for approval and publication of the final policy is by no later than 20 June 2019 thus it is intended to be presented to Council for adoption on 21 May 2019.

6. Proposal

- 6.1 When preparing the revised draft policy, officers have carefully considered any relevant legislative changes along with the statutory guidance issued to Licensing Authorities by the Gambling Commission. The statutory guidance was last issued September 2015 with Parts 17, 18 and 19 subsequently updated in September 2016.
- 6.2 Since the current policy took effect in 2016, we have seen very minimal legislative changes introduced by central government. Where legislation has come into effect, it relates to the day to day operational environment of the Gambling Act 2005 (e.g. amending the limits in relation to incidental lotteries) rather than matters relating to policy. It is therefore the case that the overarching legislative framework remains largely unaltered. The statutory guidance has also only been amended at Parts 17, 18 and 19 in 2016 and these elements have carefully been checked to ensure that they do not contradict with our proposed policy.
- 6.3 It is believed by officers that the current policy achieves its intention which is to clearly set out the framework that the Authority will generally apply to promote the three licensing objectives when making decisions on applications made under the Act (see 4.1 above). The policy has not been criticised nor been the subject of legal challenge. Given this along with the lack of changes to legislation and statutory guidance, it was not felt necessary to significantly overhaul or change the direction of the policy.
- 6.4 Officers have made various general housekeeping amendments to the policy e.g. changes to names or addresses of organisations, legislative references etc. The substantive changes to the policy, along with specific points of which members should be aware, are summarised below:
- Section 4 – Paragraphs 4.1-4.2 – ‘Local Risk Assessments’. This is a completely new section within the policy. It outlines the expectation that we have upon those holding an Operating Licence granted by the Gambling Commission in terms of sharing their local risk assessments. This includes specifically keeping a copy of risk assessments at licensed premises and making them available upon request.
 - Section 5 - Paragraphs 5.1-5.3 – ‘Local Area Profile’. This element briefly featured previously in Section 2 ‘Introduction’. Whilst it is still not felt necessary to conduct a ‘Local Area Profile’ at this time, a commitment to keeping the matter under review has been made along with specifying the matters that would be considered
 - Paragraph 6.2 – The Authority is required to formally designate a body responsible for advising it about the protection of children from harm. The Authority proposes to continue to designate the West Sussex Local Safeguarding Children Board for this purpose.
 - Paragraph 16.2 – The Authority historically passed a ‘no casino’ resolution under Section 166(1) of the Act. No approach has ever been made to the Authority by operators wishing to open a casino within the Chichester district. However, this is believed to be largely based on the fact that those who hold a Casino Operating Licence granted by the Gambling Commission are aware

that nationally only certain Licensing Authorities are permitted to grant casino premises licences. Historically this Licensing Authority chose not to enter the bidding process and therefore could not, irrespective of the 'no casino' resolution, grant a casino premises licence. What the 'no casino resolution' does is states unequivocally that should the position change nationally, that this Licensing Authority would still not consider an application for a casino licence. The proposal is to maintain the current stance and to continue with the 'no casino' resolution.

7. Alternatives Considered

- 7.1 As referred to above, it is a statutory requirement that the authority prepares and publishes a policy with respect to the exercise of its licensing functions under Section 349 of the Act.

8. Resource and Legal Implications

- 8.1 There are no resource and/or legal implications raised other than those set out within the body of this report.

9. Consultation

- 9.1 When reviewing the Policy the Authority must consult those persons listed in Section 349(3) of the Act. These are:

- The Chief Officer of Police;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

A full list of all those to be consulted is shown at Appendix B of the proposed policy.

- 9.2 In view of the nature of the suggested changes to the policy, it is proposed to undertake a six week public consultation.
- 9.3 Following consultation (between 28 February 2019 and 10 April 2019) final approval of the policy will be necessary by Full Council. The policy will then be published and made available electronically via the Council's website.

10. Community Impact and Corporate Risks

- 10.1 There are no community impact and/or corporate risks raised by this report.

11. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder		X
Climate Change and Biodiversity		X
Human Rights and Equality Impact		X

Safeguarding and Early Help		X
General Data Protection Regulations (GDPR)		X
Health and Wellbeing		X
Other (please specify)		X

12. Appendices

12.1 Appendix 1 - Draft Statement of Policy 2019–2022

13. Background Papers

Gambling Commission Guidance to Licensing Authorities 5th Edition (September 2015) with updated Parts 17, 18 and 19 (September 2016)

Chichester District Council's Statement of Principles 2016 - 2019