

EAST HERTS COUNCIL

LICENSING COMMITTEE – 5 SEPTEMBER 2018

REPORT BY HEAD OF HOUSING AND HEALTH

REVIEW OF LICENSING POLICIES FOR GAMBLING LICENCES

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To present draft revisions to the Council’s Statement of Principle’s under the Gambling Act 2005.

<u>RECOMMENDATIONS FOR DECISION: That</u>	
(A)	Officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Statement of Principles under the Gambling Act 2005; and
(B)	Officers report the results to the Licensing Committee on 14 November 2018.

1.0 Background

1.1 Non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005 (the Act) is one of the major regulatory regimes under which the Council has statutory responsibilities.

1.2 The Act requires licensing authorities (district councils or unitary authorities) to publish a written policy, setting out how they intend to exercise the licensing and enforcement powers conveyed to them, the principles that they will follow, and their

expectations of licensees. The policy must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area.

- 1.3 East Herts current Statement of Principles was last determined in January 2016 for a period of 3 years and so must be re-determined at Full Council by 31 January 2019.
- 1.4 A revised policy has been produced to take into account recent minor legislative and guidance changes and case law. The revision reflects the experiences of this and other licensing authorities and address issues which have emerged in this period. The majority of the changes are minor structural changes where addition or revised wording has been added.
- 1.5 The Committee are asked to approve consultation on the revised policy. The Act specifies a number of requirements for consultation on policy change, including lists of the categories of people who should be consulted, and the consultation on the revised policies will be carried out with regard to these requirements, and to the Government's consultation principles.
- 1.6 An 8 week consultation is proposed, in order to bring the results to the Licensing Committee on 14th November 2018 and to Full Council on 11th December 2018.
- 1.7 The final decision to adopt or revise a Gambling Statement of Principles under the Act must be made by Full Council. Following consultation, the Committee will be asked to resolve to recommend the adoption of the revised policy (with any additional revisions after considering the consultation responses) by the Council later this year.
- 1.8 The number of licences, permits and notifications issued by East Herts Council has fallen since the previous Statement of Principles was determined.

- 15 Bookmakers or betting shop (-1 on July 2015);
- 128 Alcohol premises with gaming machines (+1 on July 2015);
- 11 Registered clubs with gaming machines (-6 on July 2015);
- 75 Small society lottery registrations (-7 on July 2015);
- 0 Bingo premises (No change);
- 0 Track betting premises (No change);
- 0 Casinos (No change); and
- 0 Adult gaming centres (No change).

1.9 There have been no Licensing Sub-Committee hearings in relation to Gambling licences since the previous Statement of Principles came into effect in January 2016.

2.0 Report

2.1 There have been no significant changes in the Gambling legislation since the previous revision of the Statement of Principles so the suggested changes have been made in an attempt to make the document clearer for all stake holders and to reflect the guidance issued to Local authorities.

2.2 More emphasis has been placed on making it clear to applicants what the Licensing Authority expects to have been considered when making an application. This will not only aid the decision maker but should enable the process of being granted a licence or permit quicker and easier for applicants.

2.3 The highest volume of gambling applications received by the Licensing Authority relate to gaming machines and lotteries. As a result of this significant revisions have been made to the sections of the statement dealing with these areas.

2.4 The Local Area Profile (LAP) reference in the document is still being prepared with the assistance of Public Health and the other responsible authorities. Gambling Commission advice is that this document is kept separate from the Statement of

Principles as has been previously done and is proposed again in this revision. It is advised that a LAP should be suitable for the area it covers, for example where a Licensing Authority has large economic centres they may wish to consider a large and highly detailed LAP. Taking into account the makeup of East Herts and the low number of Gambling premises the implication is that a simple profile will be sufficient.

2.5 Operators must produce risk assessments for their premises. These should be specific to the individual premises, and should relate back to the Council's LAP. The risk assessments should be kept on site and available for inspection by officers. This has therefore been stated within the policy.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Not applicable.

Contact Member: Councillor Graham McAndrew – Executive Member for Environment and the Public.
graham.mcandrew@eastherts.gov.uk

Contact Officer: Jonathan Geall – Head of Housing and Health, Extn: 1594. jonathan.geall@eastherts.gov.uk

Report Author: Oliver Rawlings – Service Manager (Licensing and Enforcement), Extn: 1629.
oliver.rawlings@eastherts.gov.uk