

EAST HERTS COUNCIL

LICENSING COMMITTEE – 14 NOVEMBER 2018

REPORT BY THE HEAD OF HOUSING AND HEALTH

STATEMENT OF GAMBLING PRINCIPLES 2019-2022 – CONSIDERATION
OF CONSULTATION RESPONSES

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To consider the responses to the public consultation on the Draft Statement of Gambling Principles

<u>RECOMMENDATIONS FOR LICENSING COMMITTEE: That</u>	
(A)	The Committee consider the responses to the consultation and any resulting amendments;
(B)	The final wording be endorsed; and
(C)	The Committee recommends the final wording to Council for adoption.

1.0 Background

1.1 The Gambling Act 2005 requires East Herts Council to publish a Statement of Principles that it applies when exercising its functions under the Act. The statement must be published every three years and the Licensing Authority must keep the statement under constant review and consult statutory consultees as set out in the Act, and any other appropriate person, on any proposed new or revised Statement of Principles. The statement must then be re-published.

2.0 Report

- 2.1 The Statement of Gambling Policy was last published in January 2016. Having previously endorsed the wording of the draft policy it is for Licensing Committee to consider any responses to the consultation.
- 2.2 During the 2 month public consultation, between 7th September 2018 and 2nd November 2018, one response was received.
- 2.3 The letter was received on 29th October 2018 from Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB) who represent over 80% of the high street betting market. The first four and a half pages are general comments regarding the recent changes to the Gambling Act 2005 and give the background to why the ABB have employed Gosschalks to respond to local authority's policy revisions.
- 2.4 This letter is similar in structure and content to the response letter received from Gosschalks on behalf of the AAB in September 2015 when the previous policy revision was consulted upon. The letter is attached to this report as **Essential Reference Paper 'B'**.
- 2.5 There is only one specific comment regarding the draft revised document and this relates to pages 36 and 37 of the document which covers 'Primary Gambling Activity'.
- 2.6 Gosschalks point out that the Gambling Commission revised the Licence conditions and codes of practice in January 2018 to come into effect from 4th April 2018. This revision removed the concept of "primary gambling activity" from the document and replaced it with the concept of "substantive facilities". The relevant excerpt from the revised Licence conditions and codes of practice can be found at **Essential Reference Paper 'C'**.

- 2.7 As such Gosschalks have suggested that this section of the draft document be revised to reflect the amended Social Responsibility Code Provisions.
- 2.8 Officers agreed with the suggestion to amend this section and have made the appropriate changes having taken into consideration the changes made by the Gambling Commission. The amended wording can be found on pages 36 and 37 of the draft policy at **Essential Reference Paper 'D'**.
- 2.9 As no other responses were received the wording in ERP D is the final wording for Members consideration.
- 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

East Herts Statement of Principles under the Gambling Act 2005,
Policy for 2016-2019

<https://www.eastherts.gov.uk/article/36093/Gambling-Policy-Guidance--Fees>

Gambling Act 2005

<http://www.legislation.gov.uk/ukpga/2005/19/contents>

Licence conditions and codes of practice, January 2018 GC

<https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf>

Contact Member: Councillor Graham McAndrew – Executive Member for Environment and the Public Realm.

Contact Officer: Jonathan Geall – Head of Housing and Health, Extn: 1594.

Report Author: Oliver Rawlings – Service Manager Licensing and Enforcement, Extn: 1629.