

Open



NORTH DEVON COUNCIL

REPORT TO: LICENSING AND COMMUNITY SAFETY COMMITTEE
DATE: 10 AUGUST 2021
TOPIC: GAMBLING STATEMENT OF PRINCIPLES
REPORT BY: PUBLIC PROTECTION MANAGER

1. INTRODUCTION

- 1.1 North Devon Council is under a legal obligation to review its Gambling Statement of Licensing Principles on a three yearly basis.
- 1.2 This report seeks to consult members of Licensing and Community Safety Committee on a proposed draft revision to the Council's Gambling Statement of Licensing Principles, in which minor variations are sought, after which a consultation exercise is proposed to follow.
- 1.3 The feedback received as a result of the consultation exercise will then be considered by the Licensing and Community Safety Committee prior to a recommendation being made for the adoption of an amended Statement of Principles by Strategy and Resources Committee and Full Council.

2. RECOMMENDATIONS

- 2.1 It is **RECOMMENDED** that Licensing and Community Safety Committee:
 - 2.1.1 Consider the draft revised Gambling Statement of Licensing Principles found within **Appendix A** (this is a tracked document highlighting the amendments made to the current policy).
 - 2.1.2 Instruct that the Public Protection Manager commence a four week process of public consultation on the above draft revised Gambling Statement of Principles as detailed in this report.

3. REASONS FOR RECOMMENDATIONS

- 3.1 In order to discharge its statutory duties under the Gambling Act 2005, North Devon Council is required to produce a Gambling Statement of Principles and review it at least every three years.
- 3.2 The current Gambling Statement of Principles was published in December 2018 and became effective on 3 January 2019. In order to keep within the statutory time-scale and adhere to the Council's Constitution, committee time-tables, and best practice guidance relevant to consultation, the following process will be undertaken:
 - 3.2.1 Licensing and Community Safety Committee will need to consider this report in order that the Statement of Principles can in turn be re-considered by them (after consultation has been undertaken) on the 12 October 2021, and be approved with or without amendment by Strategy and Resources on the 1 November 2021 and Full Council on the 24 November 2021.

4. REPORT

Introduction

- 4.1 The Gambling Act 2005 ("the Act") received royal assent in April 2005 and consolidated regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling in one Act.
- 4.2 The Act established a non-departmental public body, The Gambling Commission, which has responsibility for advising both central and local government on issues relating to gambling.
- 4.3 North Devon Council has responsibilities under the Act to issue premises licences, permits and notices in respect of premises where it is proposed that gambling should take place. Additionally the Council is responsible for the registration of Small Society Lotteries.
- 4.4 Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles that they intend to apply in exercising their functions under the Act. This licensing Statement of Principles will last for a maximum of three years, but it can be reviewed and revised by the authority at any time during that three year period.
- 4.5 The revised draft Gambling Statement of Licensing Principles (**Appendix A**) has been written pursuant to the provisions of the Gambling Act 2005 and the Guidance issued under Section 25 of the Act by the Gambling Commission.

- 4.6 The route proposed through the Council's Committee process will enable the Council to satisfy the legislation requiring the Statement of Principles to be published every three years and by the 3 January 2022.

Consultation

- 4.7 Based upon the fact that the proposed amendments are minor and relate largely non legislative changes, in line with the risk assessment methodology outlined in 'Consultation Principles' (November 2013) published by the Cabinet Office, the proposed consultation on the draft revision will be carried out for a period of 4 weeks. This is deemed a proportionate period given the minor nature of the proposed changes. This period will provide an opportunity for all stakeholders, interested parties and the general public to make comments on the content of the draft revision.
- 4.8 Section 349(3) of the Gambling Act 2005 requires licensing authorities to consult the following when making any revision to a Statement of Principles:
- The Chief of Police for the authority's area;
 - 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 this Act.
- 4.9 All premises carrying on gambling and/or betting activities in North Devon are proposed to be sent letters advising of the consultation.
- 4.10 In addition all licensed premises (under the Licensing Act 2003) in North Devon are proposed to be sent letters advising of the consultation.
- 4.11 The draft revised statement will be published on the Council's website.

Amendments to the Statement of Principles

- 4.12 The revised Statement of Principles focuses on the on-going responsibilities of licensed premises to proactively uphold the licensing objectives. The suggested changes to the current Statement of Principles largely attempt to improve the document, clarify any issues and to respond to changes in the wording of guidance issued to local authorities.
- 4.13 The main proposed amendments to the Statement of Principles are as follows:
- Add a disclaimer to indicate that the document is based upon the Gambling Commission's 1 April 2021 guidance, which is subject to change, as is legislation etc.

- Update numbers of currently licensed establishments and other statistics in the 'Geographical Area' section.
- Update the section entitled 'Over-Riding Principle' to reflect amended Gambling Commission guidance.
- Update the section entitled 'General Points Regarding Gaming Machines' to identify that local risk assessments must be provided on a variation application.
- Re-wording information pertaining to access to premises. This is to predominantly provide information on buildings divided into more than one premises with diagrammatic demonstration of acceptable options being provided.
- Provide clarity surrounding the external appearance of premises providing bingo facilities.
- Update to Part C Unlicensed Family Entertainment Centres (UFECs) to amend a formatting error; to highlight that the expectations apply to both applicants and existing premises; encourage premises to sign up to the British Amusement Catering Trade Association (BACTA) Voluntary Code, and to add Expectations on Compliance Inspections (for which premises will already be well aware of following recent correspondence and inspection).
- For the automatic entitlement of two machines, and provision of three or more machines in alcohol licensed premises by way of a permit, text is added to highlight that the Council expects compliance with the Gambling Commission's Code of Practice for Machines in Pubs. Moreover, the expectation surrounding compliance with the Gambling Commission's Code of Practice on Equal Chance Gaming in Clubs and Premises is echoed. Consultation with the Police and Gambling Commission is a new addition for three or more machines and the information expected to be provided in a plan is now clarified, to avoid basic plans being furnished.

No Casino Resolution

- 4.28 Under section 166 of the Act a licensing authority may resolve not to issue casino premises licences. North Devon District Council has not passed a 'no casino' resolution under this section and it is not proposed to put forward any recommendation to do so at present. This is largely because it is still most unlikely that any of the permitted casinos would seek to operate in this district and a resolution at this time is not considered justified or necessary.
- 4.29 There is no requirement to consider such a resolution and declining to do so now will not restrict the authority from making a future resolution.
- 4.30 It is suggested that the Statement of Principles continues to state that the Council is aware that it has the power to create a resolution and should Full Council decide in the future to pass such a resolution, it will update the Statement of Principles with details of that resolution.

5. FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

5.1 There are no financial or human resource implications to the Council associated with this report, other than those arising through the required consultation and advertisement process

6. CONSTITUTIONAL CONTEXT

6.1 Part 3, Annex 1, Paragraph 2, delegated power.

7. EQUALITY AND HUMAN RIGHTS

7.1 The provisions of the Human Rights Act have been taken into account in preparation of this report.

8. STATEMENT OF CONFIDENTIALITY

8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate officers.

10. BACKGROUND PAPERS

- Gambling Act 2005.
- Gambling Act 2005 (Licensing Authority Policy Statement (England and Wales) Regulations 2006.
- Gambling Commission's Guidance to Local Authorities (1 April 2021).

Author: Katy Nicholls, Public Protection Manager

Date: 02.08.21

Licensing Chair: Councillor Tucker