

Cherwell District Council

Council

17 December 2018

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| <p>Gambling Act 2005 Review of Statement of Licensing Principles</p> |
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Report of Assistant Director Environmental Health and Licensing

This report is public

Purpose of report

To consider a revised Statement of Licensing Principles as part of the Gambling Act 2005.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve and adopt the revised Cherwell District Council Statement of Licensing Principles.

2.0 Introduction

- 2.1 This report refers to the Statement of Licensing Principles following the review required by the Gambling Act 2005.

3.0 Report Details

- 3.1 Section 349 of The Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act and in particular the following 3 licensing objectives:
 - Keeping gambling crime free
 - Making sure that gambling is fair and open
 - Protecting children and vulnerable adults
- 3.2 The statutory period for the statement is three years. The last statement was approved on 14 December 2015 and came into effect on 31 January 2016. A new statement must be prepared and published with a view to it coming into effect on 31 January 2019.

- 3.3 The statement itself is unchanged but there has been the addition of a Local Area Profile at Annex 3 of the statement. Since 6 April 2016 gambling operators have been required to undertake risk assessments for their premises which should take into account the nature and characteristics of the locality in which they are situated, e.g. proximity of schools or churches. Such risk assessments should give due consideration to this Local Area Profile which is compiled with respect to any reported gambling-related problems in the area. Although not a statutory requirement, a Local Area Profile will increase awareness of any identified risks in order to inform operators in order to provide sufficient detail when completing their risk assessments.
- 3.4 The draft statement is attached at Appendix 1.
- 3.5 The deadline for publication of this policy is 3 January 2019.
- 3.6 The Act requires a consultation to be carried out with the persons/groups detailed in section 5.0 below.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is recommended that the revised Statement of Licensing Principles be approved.

5.0 Consultation

- 5.1 The following were consulted with between the 1 October and 12 November 2018. No representations to the consultation were received.
- Chief Officer of Police
 - The Fire Authority
 - One or more persons who appear to the authority to represent the business interests of persons carrying on gambling business in the authority's area
 - 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 Gambling Act 2005

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: It is a statutory requirement that the policy must be reviewed so rejection is not an option.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no direct financial implications arising from this report.

Comments checked by:

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Legal Implications

- 7.2 The Gambling Act 2005 requires the council to prepare and publish a 'statement of licensing principles' – a policy to be applied in the managing of local gambling provision. The policy must comply with the Gambling Act 2005 and secondary legislation, and have due regard to the statutory guidance and codes of practice issued by the Gambling Commission. The policy is required to be reviewed at least every three years.

Failure to comply with the legislation and give due consideration to the guidance and codes of practice may result in a successful.

Subsequent failure to comply with the policy when undertaking the management of local gambling provision may result in a successful challenge to the council's discharge of its statutory functions.

Comments checked by:

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8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

District of Opportunity and Growth

Lead Member

Councillor Andrew McHugh, Lead Member for Health and Wellbeing

Document Information

| Appendix No | Title |
|---------------------|--|
| 1 | Gambling Act 2005 Statement of Licensing Principles |
| Background Papers | |
| None | |
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