

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

15 NOVEMBER 2018

REPORT OF CORPORATE MANAGEMENT TEAM

COUNCIL DECISION

Access Communities & Community Safety Lead Cabinet Member – Cllr Steve Nelson

REVIEW OF THE STATEMENT OF PRINCIPLES FOR GAMBLING PREMISES IN STOCKTON

The Authority is required, by the Gambling Act 2005, to publish a Statement of Principles that it proposes to apply when exercising its functions under the Act, in the form of a Gambling Policy. This Policy statement must be published every three years. The Council's current statement was in effect from 31 January 2016 and is now due for review.

Recommendations

1. The Cabinet note the gambling statement of principles has been reviewed in accordance with the Gambling Act 2005 and the revised statement of principles reflects legislative changes and those comments received during consultation.
2. The Cabinet recommend that Council agreed the revised statement of principles which would then come into effect on the 1 January 2019.

Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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SUMMARY

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RECOMMENDATIONS

1. The Cabinet note the gambling statement of principles has been reviewed in accordance with the Gambling Act 2005 and the revised statement of principles reflects legislative changes and those comments received during consultation.
2. The Cabinet recommend that Council agree the revised statement of principles which would then come into effect on the 1 January 2019.

DETAIL

3. At the Licensing Committee Hearing on 10 July 2018, it was agreed that the licensing department carries out a consultation on the draft statement of principles with relevant stakeholders.
4. The consultation included stakeholders such as the Gambling Commission, trade associations, licensees, children's services and local residents groups. The consultation was published on the website and a notice was placed on the public notice board in the customer service centre.
5. Positive comments were received from the Regional Compliance Manager at the Gambling Commission, who also suggested as Primary Authority Schemes can change during the length of the statement, it would be better to omit the detail of the schemes and instead provide a link to the Gambling Commission site where up to date information can be found.
6. Primary Authority Schemes allows businesses to be involved in their own regulation. It enables them to form a statutory partnership with one local authority, which then provides robust and reliable advice for other local regulators to take into account when carrying out inspections or addressing non-compliance.
7. In addition the Gambling Commission suggested that local area risk assessments which are completed by the licensee should be held on the premise for inspection and as such will be incorporated into the Licensing Services inspection criteria and requested during annual inspections.

8. The gambling policy has been reviewed in accordance with the Gambling Act 2005 and the revised statement reflects legislative changes and those comments received during consultation. A copy of the final draft statement of principles is attached as **Appendix 1**.

FINANCIAL IMPLICATIONS

9. The cost of licensing gambling premises and issuing gaming permits and lottery registrations will be met from the fees paid by applicants. The fee structure, in terms of the application / renewal fees to be charged, will be determined with a view to full cost recovery.

LEGAL IMPLICATIONS

10. The Gambling Act 2005 requires the Licensing Authority to prepare a statement of principles every three years. The Council's current Policy statement was in effect from 31 January 2016 and is now due for review.
11. The adoption of the Policy will assist members and officers when considering applications and businesses intending to submit applications. It will give a clear outline of the Authority will consider when assessing applications. A Statement of Principles can be challenged by way of judicial review.

RISK ASSESSMENT

12. This matter is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COUNCIL PLAN THEMES

Environment and Housing

13. Steps to promote the licensing objectives, especially the prevention of public nuisance, will have a positive effect on the environment in which people live.

Safer Communities

14. One of the licensing objectives in the Gambling Act is to prevent gambling from being a source of or being associated with crime and disorder. The policy will seek to support this objective.

Children and Young People

15. One of the licensing objectives in the Gambling Act is to protect vulnerable persons from being harmed or exploited by gambling. A key aim of the policy is to prevent children accessing gambling premises.

Health and Wellbeing

16. One of the licensing objectives in the Gambling Act is to protect vulnerable persons from being harmed or exploited by gambling. A key aim of the policy is to reduce the impact of the potential harmful aspects of gambling.

EQUALITIES IMPACT ASSESSMENT

17. This report is not subject to an Equality Impact Assessment because this is a review of an existing policy. No remedial actions are therefore required.

CONSULTATION INCLUDING WARD/COUNCILLORS

18. Consultation on the revised statement was commenced in August 2018, a public notice was placed in the customer service centre, and a draft copy of the statement was placed on the council website. The link to the website was emailed to stakeholders including responsible authorities, trade bodies and residents associations. Members of the licensing committee and the Cabinet Member have also considered the draft policy.

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Education related? No

Background Papers Licensing Committee Report 10 July 2018 & 2 October 2018

Ward(s) and Ward Councillors:
Not specific to Wards

Property
None