

To: Licensing and Gambling Acts Committee

Date: 14 September 2015

Report of: Head of Community Services

Title of Report: Review of the Statement of Gambling Licensing Policy

Summary and Recommendations

To agree the revised draft Statement of Gambling Licensing Policy for public consultation.

Report Approved by:

Finance: Paul Swaffield
Legal: Jeremy Franklin

Policy Framework: Statement of Gambling Licensing Policy

The Licensing and Gambling Acts Committee is recommended to:

1. Agree that a 6 week consultation be held on renewing the revised draft Statement of Gambling Licensing Policy; and
2. Recommend to Council to resolve to adopt the revised draft Statement of Gambling Licensing Policy effective from 31 January 2016 (subject to any relevant representations being received within the consultation deadline to be reviewed by the Chair and Vice-Chair of this Committee) on the basis that a further review of the Policy will be undertaken following new Guidance from the Gambling Commission being issued.

Additional Papers:

Appendix 1: Draft revised Statement of Gambling Licensing Policy

Appendix 2: Provisions 10.1.1 & 10.1.2: Assessing Local Risk

Introduction

1. The Committee is reminded that all Licensing Authorities have adopted a Statement of Gambling Licensing Policy. This Statement must promote the three licensing objectives of the Gambling Act 2005 (the 2005 Act), which are:

- *Preventing gambling from being a source of crime and disorder*
- *Ensuring that gambling is conducted in a fair and open way*
- *Protecting children and vulnerable persons from being harmed or exploited by gambling*

2. The Council is obliged to determine and publish the "Statement of Gambling Licensing Policy" and to keep it under review, and to renew the Policy at least every three years. In preparing the Statement, Licensing Authorities must follow the procedure set out in the 2005 Act, including who should be consulted. The Policy sets out how the Licensing Authority intends to exercise its functions under the 2005 Act.
3. The first Policy was implemented on 31 January 2007, and with it being renewed every 3 years, the current policy is due to expire in 2016, and the 2005 Act requires the Council to implement a new Policy by 31 January 2016.
4. The Gambling Commission (following a consultation that ended very recently) will in due course be issuing new Guidance to Licensing Authorities that will include revisions to statutory guidance that are expected to clarify the extent of discretion available to Licensing Authorities in exercising their powers and the benefits of partnership working.
5. The new Guidance will also provide clarity on the importance of the Statement of Gambling Licensing Policy as a regulatory tool and include guidance on the development of "Local Area Profiles".
6. The current meetings programme does not provide adequate time for consideration by this Committee of the new Gambling Commission's Guidance (when it is released), consultation on a revised draft Policy, and subsequent approval of the final draft by this Committee and Council before a new Policy must take effect on 31 January 2016.
7. It is therefore proposed that the Committee recommend to Council that the appended draft revised Policy be consulted upon, and adopted in order to ensure that a valid Policy is in place from 31 January 2016. A copy of the draft revised Policy is attached at **Appendix 1**.

Gambling Commission: Guidance issued to Licensing Authorities

8. In carrying out its functions the Licensing Authority must also have regard to the "Guidance issued to Licensing Authorities" by the Gambling Commission (being the unified regulator for gambling in Great Britain). Revised guidance last came into force in September 2012 which is fully covered within our current Policy.
9. The Guidance prescribes what must be included in an Authority's Policy content in the interest of national consistency. The Council therefore has limited scope to make significant changes to the Statement of Gambling Licensing Policy. However where there are good reasons, the Policy can depart from the Guidance in order to reflect local circumstances.
10. From 6 April 2016 a mandatory requirement of the 2005 Act is placed on all applicants seeking a new licence or varying a current licence to "Assess Local Risk" in accordance with the requirements of the Gambling Commissions Social Responsibility Code Provision 10.1.1 and Ordinary

Code Provision 10.1.2. A copy of the Provisions is attached at **Appendix 2**.

11. These Provisions, and in turn the information that will be provided within the new Guidance upon its release, will provide greater clarity and a wider understanding of what is deemed relevant and appropriate for the Authority to consider when carrying out its own Local Area Profiling, and allow it to better reflect local circumstances to address concerns frequently raised by Members as to the perceived proliferation of gambling premises and the impact these venues may have locally.
12. As such, a further review of the Policy will be carried out in due course, and include Appendices detailing the Local Area Profile, which will be compiled through partnership work with appropriate agencies that can provide relevant “profiling” data.

Functions of the Licensing Authority

13. The 2005 Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. Their main functions are to:
 - licence premises for gambling activities
 - consider notices given for the temporary use of premises for gambling
 - grant permits for gaming and gaming machines in clubs and miners’ welfare institutes
 - regulate gaming and gaming machines in alcohol-licensed premises
 - grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
 - grant permits for prize gaming
 - consider occasional use notices for betting at tracks
 - register small societies’ lotteries.
14. Licensing Authorities also have an obligation to provide information to the Gambling Commission, including details of licences, permits and registrations issued by way of the submission to the Gambling Commission of an “annual return”.
15. Licensing Authorities also carry out inspections of licensed premises in order to ensure they are run in accordance with the three licensing objectives and the conditions applied to the licences. During the period since the last Statement of Gambling Licensing Policy all 33 licensed premises were visited annually and no issues of non-compliance were found, and no complaints about these premises were received.
16. These figures highlight that the previous and current Policy provided a transparent platform from which Operators of licensed premises could manage their businesses, and clear guidance as to how these Operators would meet with the licensing objectives, and how the work of the Officers contributes to the effective control of such establishments.

No Casino Resolution

17. On 20 November 2006 following a recommendation by the Licensing and Gambling Acts Committee, Full Council passed a 'No Casino' resolution (in accordance with S.166 of the 2005 Act). This has the effect that the Licensing Authority will not consider any application for a casino premises licence. Any application received will be returned with a notification that a 'no-casino' resolution is in place.
18. As Oxford was not one of the chosen 17 locations for a casino to be sited (17 being the maximum number of locations permitted), unless the 2005 Act changes Oxford is not able to entertain applications for casinos.
19. On each occasion that the Statement of Gambling Licensing Policy is renewed, and approved by Full Council, the 'No Casino' Resolution remains in force. Members of this Committee are asked as a matter of good process (even though Oxford is not able to entertain such applications for casinos) to consider whether such a Resolution should be retained, and if so, to recommend such to Full Council.
20. To assist this Committee, when the Policy was last reviewed in 2013, the Committee resolved to maintain the "No Casino" Resolution in order to future-proof any potential changes to the 2005 Act.

Consultation on the Revised Draft Statement of Gambling Licensing Policy

21. The Statement of Gambling Licensing Policy is required to be approved by the Committee prior to its publication. The revised draft Policy contains no changes to it, save for a necessary update to Appendix 3 to reflect any increases to the maximum stakes and prizes permitted for gaming machines..
22. Before determining the Statement of Gambling Licensing Policy, the Licensing Authority must consult with persons as listed below:
 - Members of the public;
 - Responsible Authorities (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety);
 - Current licence holders and representatives of current licence holders.
23. The proposed consultation timetable is as follows:
 - 14 September 2015: consultation draft of current Statement of Gambling Licensing Policy approved by Committee,
 - agree the revised draft Statement of Gambling Licensing Policy to go for consultation between 1 October 2015 and 12 November 2015 to the "Responsible Authorities" (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety), representatives of current licence holders and registered clubs, and others including Community Safety, Building Control and the local Accident and Emergency Department, and the general public via the Council's website.

- agree the revised draft Statement of Gambling Licensing Policy to be posted on the Council's website and made available at libraries and public buildings.
- 26 November 2015: Any relevant consultation responses to be sent to the Chair and Vice-Chair of the Licensing and Gambling Acts Committee to consider, and approve the final Statement of Gambling Licensing Policy, in light of the consultation responses received.
- 7 December 2015: Licensing and Gambling Acts Committee's recommendations to Full Council for adoption of the revised final Statement of Gambling Licensing Policy.

Financial Implications

24. Any financial implications regarding this matter are covered within existing budgets.

Legal Implications

25. Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy every 3 years. The next Statement must be published by 31 January 2016.
26. Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Policy.
27. Any other legal implications relating to the Statement of Gambling Licensing Policy are detailed within the 2005 Act.

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