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| To: | **Licensing and Gambling Acts Committee**  |
| Date: | **2nd July 2018**  |
| Report of: | **Head of Community Services** |
| Title of Report:  | **Statement of Gambling Licensing Policy** |
| Summary and recommendations |
| Purpose of report: | To agree the draft Statement of Gambling Licensing Policy for consultation |
| Corporate Priority | Strong and Active Communities |
| Policy Framework | **Statement of Gambling Licensing Policy** |
| Recommendations: That the Licensing and Gambling Acts Committee is recommended to: |
|  | 1. Agree the draft Statement of Gambling Licensing Policy
2. Agree that a 6 week consultation be held on the agreed draft Statement of Gambling Licensing Policy
3. Agreethat any relevant responses to the consultation be reported to the next meeting of the Committee.
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| Appendices |
|  **Appendix One:** **Appendix Two:****Appendix Three:**  | Draft Statement of Gambling Licensing PolicyProvisions 10.1.1 & 10.1.2: Assessing Local RiskOxford City Council Local Area Profile (not available at this time). |
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# 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:
2. *Preventing gambling from being a source of crime and disorder*
3. *Ensuring that gambling is conducted in a fair and open way*
4. *Protecting children and vulnerable persons from being harmed or exploited by gambling*
5. 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.
6. The first Policy was implemented on 31st January 2007, and with it being renewed every 3 years, the current policy is due to expire in 2019, and the 2005 Act requires the Council to implement a new Policy by 31st January 2019.
7. The Gambling Commission issuing new Guidance September 2016 to Licensing Authorities that includes revisions to statutory guidance that clarify the extent of discretion available to Licensing Authorities in exercising their powers and the benefits of partnership working.
8. The new Guidance also provides clarity on the importance of the Statement of Gambling Licensing Policy as a regulatory tool and includes guidance on the development of “Local Area Profiles”.
9. A renewed policy has been drafted taking into account the new guidance. A copy of the draft revised Policy is attached at **Appendix One**.

**Gambling Commission: Guidance issued to Licensing Authorities**

1. 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 2016 which is fully covered within our current Policy.
2. 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.
3. From 6th 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 Two**.
4. These Provisions, and in turn the information provided within the revised Guidance, 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.
5. As such, a review of the Policy has been carried out in, and includes reference to the Oxford City Council Local Area Profile, which has been compiled through partnership work with appropriate agencies that can provide relevant “profiling” data.

**Functions of the Licensing Authority**

12. 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.

13. 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”.

1. 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 30 licensed premises were visited and no issues of non-compliance were found, and no complaints about these premises were received.
2. 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.

**Consultation on the Revised Draft Statement of Gambling Licensing Policy**

1. Before determining the Statement of Gambling Licensing Policy, legislation requires the Licensing Authority to consult with persons as listed below:
* *the chief officer 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 the Act*

Previous versions of the Policy have satisfied this requirement by consultation with:

* Thames Valley Police
* The Oxfordshire Safeguarding Children Board
* The management of all premises in Oxford with Gambling Premises Licences
* Gaming & Betting Organisations
1. The draft Statement of Gambling Licensing Policy is required to be approved by the Committee prior to consultation. The revised draft Policy contains changes on Page 8 to include guidance on the Licensing Process and the requirement for applicants to provide a Local Risk Assessment, and changes on page 11 to include guidance on location and the Local Area Profile; attached at **Appendix Three**.
2. The proposed consultation timetable is as follows:
3. 2nd July 2018: consultation draft of the revised Statement of Gambling Licensing Policy approved by Committee,
4. Draft Statement of Gambling Licensing Policy to go for consultation between 9th July 2018 and 24th August 2018.
5. Agree the revised draft Statement of Gambling Licensing Policy to be posted on the Councils website and made available at libraries and public buildings.
6. Any relevant consultation responses to be reported to the 19th September 2018 meeting of Licensing and Gambling Acts Committee to consider, and approve the final draft Statement of Gambling Licensing Policy for recommendation to Council.
7. 1st October 2018: Council to consider for adoption the approved Statement of Gambling Licensing Policy.

**Financial Implications**

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

**Legal Implications**

20. 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 31st January 2019.

1. Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission’s Guidance when preparing its Policy.
2. The form and procedure for formulating the policy are provided by the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006/636
3. Any other legal implications relating to the Statement of Gambling Licensing Policy are detailed within the 2005 Act and its regulations.

**Recommendations**

1. The Committee is recommended to:
2. Agree the draft Statement of Gambling Licensing Policy,
3. Agree that a 6 week consultation be held on the agreed draft Statement of Gambling Licensing Policy,
4. Agree that any relevant responses to the consultation be reported to the next meeting of the Committee.

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