

**To:** Licensing and Gambling Acts Committee  
**Date:** 19 September 2018  
**Report of:** Head of Community Services  
**Title of Report:** Statement of Gambling Licensing Policy

### Summary and recommendations

**Purpose of report:** To agree the Statement of Gambling Licensing Policy

**Corporate Priority** Strong and Active Communities

**Policy Framework** **Statement of Gambling Licensing Policy**

**Recommendations:** That the Licensing and Gambling Acts Committee resolves to:

- a) **Consider** any relevant responses to the consultation submitted to the Licensing Authority;
- b) **Consider** retention of a 'No Casino' Resolution;
- c) **Agree** the final draft Statement of Gambling Licensing Policy; and
- d) **Recommend** the final draft of Gambling Licensing Policy to the Council

### Appendices

**Appendix One** Final Draft Statement of Gambling Licensing Policy  
**Appendix Two:** Provisions 10.1.1 & 10.1.2: Assessing Local Risk  
**Appendix Three:** Oxford City Council Local Area Profile  
**Appendix Four:** Consultation responses

## Introduction

1. At its meeting on 2<sup>nd</sup> July 2018 Committee resolved to agree a draft revised Statement of Licensing Policy and that a consultation process take place on the draft with any relevant consultation responses to be reported to this meeting.
2. 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*
3. 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.
4. The first Policy was implemented on 31<sup>st</sup> 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 31<sup>st</sup> January 2019.
5. 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.
6. 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".
7. A renewed policy has been drafted taking into account the new guidance. A copy of the recommended final draft Statement of Gambling Licensing Policy is attached at **Appendix One**.

## 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 2016 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.

9. From 6<sup>th</sup> 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**.
10. 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.
11. As such, a review of the Policy has been carried out in, and includes reference to the Oxford City Council Local Area Profile **Appendix Three**, 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”.
14. 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.
15. 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**

16. 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
17. The draft Statement of Gambling Licensing Policy was approved prior to consultation by the Licensing and Gambling Committee on 2<sup>nd</sup> July 2018. The consultation took place between 9<sup>th</sup> July 2018 and 24<sup>th</sup> August 2018. The relevant responses to the consultation submitted to the Licensing Authority are attached at **Appendix Four**.

The revised recommended final 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

### **No Casino Resolution**

18. On 20<sup>th</sup> 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.
19. 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.
20. On each occasion that the Statement of Gambling Licensing Policy is renewed, and approved by Council, the 'No Casino' Resolution remains in force, unless

Council resolves otherwise. 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 Council.

21. To assist this Committee, when the Policy was last reviewed in 2016, the Committee resolved to maintain the “No Casino” Resolution in order to ‘future-proof’ any potential changes to the 2005 Act.

### **Financial Implications**

22. 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 31<sup>st</sup> January 2019.
21. Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission’s Guidance when preparing its Policy.
22. 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
23. Any other legal implications relating to the Statement of Gambling Licensing Policy are detailed within the 2005 Act and its regulations.

### **Recommendations**

24. The Committee is recommended to:
  - a) Consider any relevant responses to the consultation reported to the Committee
  - b) Consider retention of a ‘No Casino’ Resolution
  - c) Agree the final draft Statement of Gambling Licensing Policy
  - d) Recommend the final draft of Gambling Licensing Policy to the Council

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