



Derby City Council

LICENSING COMMITTEE
18 January 2018

Report of the Strategic Director of Communities &
Place

ITEM 5

Gambling Act Statement of Principles Consultation

SUMMARY

- 1.1 Derby City Council is the designated Licensing Authority under the Gambling Act 2005 and is required to produce a Statement of Principles which sets out how it will exercise its functions under the Act.
- 1.2 The statement must be reviewed at least once every three years.
- 1.3 The next revised document is due to be published by the end of December 2018.

RECOMMENDATION

- 2.1 To approve the process of consultation on a revised Statement of Principles for publication by the end of December 2018.

REASONS FOR RECOMMENDATION

- 3.1 To comply with the statutory requirements of the Gambling Act 2005.

SUPPORTING INFORMATION

- 4.1 Under the Gambling Act 2005, the Council is required to produce a Statement of Principles which sets out how it will exercise its functions under the Act. The statement must be reviewed at least once every 3 years.
- 4.2 The initial Gambling Act Statement of Principles was first published in October 2006. It has been subsequently reviewed in 2009, 2012 and 2015.
- 4.3 A further review is needed this year and will involve undertaking a consultation exercise. It is proposed to use the same consultation process as previously. The proposed Consultation Strategy for the review of the Statement of Principles is attached at Appendix 2 and a proposed Consultation Timetable is attached at Appendix 3.

- 4.4 The consultation exercise is due to commence on 1 April 2018 and end on 30 June 2018.
- 4.5 Any comments made during the consultation process will need to be considered. It is proposed that a cross party working group consider any comments received during September 2018 and make recommendations to Licensing Committee before the end of the year to agree a final statement.
- 4.6 The final revised Statement of Principles should be published by the end of December 2018.

OTHER OPTIONS CONSIDERED

- 5.1 Not applicable.

This report has been approved by the following officers:

Legal officer	Olu Idowu
Financial officer	n/a
Human Resources officer	n/a
Estates/Property officer	n/a
Service Director(s)	n/a
Other(s)	Michael Kay

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Background papers: List of Appendices:	None Appendix 1 – Implications Appendix 2 – Statement of Principles Consultation Strategy Appendix 3 – Statement of Principles consultation timetable
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IMPLICATIONS

Financial and Value for Money

- 1.1 None directly arising from this report.

Legal

- 2.1 As set out in the report.

Personnel

- 3.1 None directly arising from this report.

IT

- 4.1 None directly arising from this report.

Equalities Impact

- 5.1 None directly arising from this report.

Health and Safety

- 6.1 None directly arising from this report.

Environmental Sustainability

- 7.1 None directly arising from this report.

Property and Asset Management

- 8.1 None directly arising from this report.

Risk Management

- 9.1 None directly arising from this report.

Corporate objectives and priorities for change

- 10.1 The proposals set out in this report will **deliver better outcomes for our communities, more efficient and effective services and improved value for money for our customers.**

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES CONSULTATION STRATEGY

1. Summary

Derby City Council ('the Council') has a duty to ensure that the people living and working in Derby, and those who will be effected by the enforcement and implementation of the statement of principles written in accordance with the Gambling Act 2005 are consulted with whilst it is in draft format. These stakeholder groups are encouraged to provide any comments to **Environment and Regulatory Services**, who will consider all comments received to ensure the document represents the issues important to all groups.

The Gambling Commission has the responsibility for processing, issuing and enforcing operating licences and personal licences. The Council will be responsible for processing, issuing and enforcing premises licences only.

The Council is also responsible for producing, publishing and regularly reviewing a Statement of Principles. The Statement of Principles (the Statement) outlines how the Council will deal with applications, and enforce the legislation, and how the Council's decision making process will take into account the three licensing objectives stipulated in the Gambling Act 2005. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The consultation period of 12 weeks allows the stakeholders to receive information on the proposed practices and procedures, and discuss how it will affect them.

The consultation procedure is controlled by both time & financial restraints and also the need to comply with the Council's structure of meetings.

The Gambling Act received Royal Assent on 7 April 2005. The Statement has been developed by following the guidance issued by the Gambling Commission.

2. Introduction

The Statement sets out how the Council will achieve its responsibilities under the Gambling Act 2005. It will be used as guidance for applicants applying for a licence, and by the Council when considering applications for licences. The aim of the statement is to provide a consistent decision making process and ensure that the licensing objectives set out under the Act are achieved.

Applications could be received from any person or commercial enterprise associated with gambling, betting and lotteries.

Before the draft Statement is approved by Council it must go through a process of consultation with key enforcement groups, partnerships and groups that may be effected by the document.

The consultation period is for 12 weeks. The final copy of the Statement must be published at the beginning of January 2019 in order to comply with the current legislation.

This consultation strategy will demonstrate how the Council will achieve effective consultation with these people/groups, within the time scales and resources available.

3. Aims

The Council aims to:

- ensure effective and efficient consultation with those groups who will be involved in the implementation and enforcement of the Gambling Act 2005, those who hold existing licences or who may apply for licences and also those who will be affected by the Councils application and decision making process.
- use the responses received from the consultation process to revise the existing Statement into an effective document which represents the needs of those groups affected by the gambling regime.

4. Objectives

In order to achieve these aims the Council will:

- complete the consultation process within the given timescale to ensure that the revised Statement of Principles is published by end of December 2018
- ensure that the consultation process is effective whilst working within restrictions of cost and time
- ensure the comments received by all the key stakeholders of the Council and the Statement are collated, fully considered and are used to ensure that the final document represents their views, whilst still ensuring that the document complies with the requirements of the Act and the guidance
- comply with the Gambling Commission's guidance for the Gambling Act to meet its requirement for effective and efficient consultation

5. Planning

The Statement may affect a wide range of people and groups. Therefore to ensure that the consultation process is effective the Statement summary, associated letters and questionnaires will be set out in plain English.

The Government has not allocated any additional funds to assist the Council in setting up the administration or implementation of the duties presented by the Gambling Act 2005. There is therefore no money provided for the consultation process. The costs are to be met from existing budgets. To keep this to a minimum, the consultation process will be conducted electronically wherever possible. If required, printed materials will be produced in-house.

To achieve the deadline set by Central Government it is imperative that the consultation period has been completed and all comments received by 30 June 2018. This will allow the comments to be considered by a cross-party working group and the revised statement be presented for approval at the Council's Licensing Committee later in 2018.

6. Identification of Stakeholders

Government guidance requires that before the revised Statement is published, the Council consults with the following people/groups:

- Chief Officer of the Police
- Fire Authority
- Planning Authority
- Regulatory bodies who have functions in relation to pollution to the environment or harm to human health
- HM Revenue and Customs
- Derby Safeguarding Children's Board
- Existing licence or permit holders
- Bodies representing licence or permit holders
- Businesses or residents in its area, or
- Bodies representing business and residents in its area.

To achieve consultation with the groups specified in government guidance the following additional stakeholder groups have been identified:

- Derby Legal Services
- Locally Elected Members
- Tourism and Culture
- Partnership agencies
- Charitable groups
- Members of the public
- Neighbourhood boards
- Neighbourhood forum
- National Trade Associations
- Current licence holders in Derby
- Related business groups

Approximately 200 known consultees have been identified; this includes 51 existing licence holders and 245 permit holders, but does not include members of the public.

7. Design and Format.

The Statement and associated documentation will be available on the consultation web site and available in hard copy if required in order to keep costs to a minimum.

To enable the consultation process to encourage responses and also to allow the comments received to be easily collated the following format will be used:

- The electronic questionnaire is intended to direct comments to suggest areas of addition and improvement. The context of many areas already incorporated into the Statement of Principles will not be able to be changed due to the need to comply with the guidance issued by the Gambling Commission. It is hoped that the questionnaire will also allow the comments to be easily managed and included in the production of the final Statement.

The questionnaire will allow the person to request a copy of the final document if they wish.

8. Consultation Method

The Consultation method will be agreed with the corporate Consultation Team.

9. Collection and Review of Responses from Consultation Process

Once the consultation process begins the Statement policy will not be altered until all comments have been received and collated. The comments will be collated during July and August 2018. After that time all comments will be considered, and common areas identified. All comments will be considered with its relevance to ensuring adherence to the Gambling Commission guidance.

The Council's cross-party working group will then review the Statement and the comments received, the working group will consist of cross-party elected members and officers. The Statement will be presented to the Licensing Committee in the autumn for consideration and approval.

10. Continuing the Consultation Process.

Gambling Commission guidance and the legislation specify the Council will consult with its stakeholders on a 3 yearly cycle.

11. Matters for Consideration

The Statement of Principles must be approved and published on or before the end of December 2018. A plan of the timescales that must be achieved are set out at Appendix 3.

The application and enforcement process under the Gambling Act 2005 will be funded on a cost recovery basis in part by application fees set by Central Government.

The Gambling Act 2005 received Royal Assent in April 2005. The Act places a legal duty on the Council to publish a Statement of Principles every 3 years. The Statement will demonstrate how the Council will comply with and enforce the Gambling legislation.

The Statement will also be used to support decisions made by the Council relating to licence applications. In order for the Statement to be accepted the Council has a duty to consult a number of specific groups.

12. Conclusion

The strategy is aimed to ensure that consultation is effective, without being excessive in relation to both cost and time. It must also allow the Council's duties of consultation and implementation of the Statement, in accordance with the Council's meeting structure.

Appendix 3

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES CONSULTATION TIMETABLE

1.0 TIMETABLE

1.1 The revised Statement of Principles must be published by January 2019.

1.2 The proposed timescale for consultation is:

1 April 2018 to 30 June 2018	-	Statement out for full consultation
July / August 2018	-	Collating feedback from consultation and consideration by the cross-party working group
Autumn 2018 (date TBC once set)	-	Consultation comments and cross-party working group recommendations back to Licensing Committee to agree final Statement
December 2018	-	Publish Statement of Principles