

MID SUFFOLK DISTRICT COUNCIL

TO: Council	REPORT NUMBER: MC/18/32
FROM: Licensing and Regulatory Committee	DATE OF MEETING: 19 December 2018
OFFICER: Lee Carvell – Corporate Manager Open for Business David Price – Licensing Officer	KEY DECISION REF NO. CNL11

GAMBLING ACT 2005: STATEMENT OF PRINCIPLES THREE YEARLY ADOPTION

1. PURPOSE OF REPORT

- 1.1 To ask Council to adopt the amended 'Statement of Principles' under the Gambling Act 2005 ('the Act').

2. OPTIONS CONSIDERED

- 2.1 Not applicable, Statutory consultation and readoption of a policy document.

3. RECOMMENDATION

- 3.1 That the draft revision Gambling Act 2005 'Statement of Principles' document as attached as Appendix A to this report be adopted, for publication and to take effect for three years (unless sooner revised) from 31 January 2019.

REASON FOR DECISION

Statutory requirement to review and readopt the Council's Gambling Policy.

4. KEY INFORMATION

- 4.1 The Licensing and Regulatory Committee considered this matter on 7 December 2018, in report MLR/18/4, and determined to recommend to Council that the amended 'Statement of Principles' be adopted.
- 4.2 As the matter is reserved for the Council of each Licensing Authority, the Council must resolve whether to adopt the 'Statement of Principles' version as attached as Appendix A, which sets out how the Council will exercise its functions under the Act.
- 4.3 Under section 349 of the Act, a Local Authority is required to review and republish its statement every 3 years. The latest review requires the revised document to be adopted and published on or by 3 January 2019, to take effect from 31 January 2019. The 'Statement of Principles' will be applied alongside the legislation and guidance published by the Gambling Commission (which in itself may be revised from time to time).

4.4 The decision to adopt the 'Statement of Principles' may only be taken by the Council and cannot be delegated to the Licensing and Regulatory Committee.

5. LINKS TO JOINT STRATEGIC PLAN

5.1 The Council's Gambling 'Statement of Principles' is the overarching set of principles which guide the Council in carrying out its Gambling licensing functions. The Statement balances sector business activity with relevant safeguards and protections, including social responsibility.

6. FINANCIAL IMPLICATIONS

6.1 This is a statutory function. The Licensing Team has to date undertaken the necessary preparatory and consultation work within existing resources.

6.2 The discretionary (self-set) fee elements that Mid Suffolk are permitted to charge under the Gambling Act 2005, have been set at the maxima permissible under the Gambling Act 2005 fee regulations. These fee levels were re-adopted by the Licensing and Regulatory Committee for the Council on 3 August 2018, under the authority delegated to this Committee by the Council.

7. LEGAL IMPLICATIONS/RISK MANAGEMENT

7.1 This report is most closely linked with the Council's Significant Business Risk No. 5F - Councils may be perceived to be untrustworthy and have a poor reputation. Operational risk 2AO1 - If licensing functions are not delivered within prescribed framework/local policy/timeframe, then businesses will be impacted and reputational harm/appeal likelihood will increase. Financial loss. Further Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to review, revise and re-consult upon the policy will result in legal challenge to Council decisions under the 2005 Act (including potentially by judicial review).	3 - Probable	3 - Bad	Review, revise and re-consult on the statement of principles in accordance with the requirements of the Act, regulations and statutory guidance.

8. CONSULTATIONS

8.1 This will be the fifth edition of the Council's 'Statement of Principles' under the Gambling Act 2005. The Licensing Team has the necessary experience, stakeholder contacts and networking in place to ensure that a wide and balanced consultation has taken place. The consultation took place over a period of six weeks, through various channels/media.

9. EQUALITY ANALYSIS

9.1 There are no equality implications arising directly from this report. This is a statutory revision to an existing policy. The Council recognises its obligations under the Equality Act 2010, in the exercise of its licensing functions, and has had due regard to any comments received during the policy consultation on equality issues.

10. ENVIRONMENTAL IMPLICATIONS

10.1 There are no direct Environmental Implications arising from this report.

11. APPENDICES

Title	Location
(a) Statement of Principles (2019-2022) - DRAFT	Attached
(b) Summary of changes made to the draft Statement of Principles document	Attached

12. BACKGROUND DOCUMENTS

12.1 Report MLR/18/4

12.2 The Gambling Act 2005

12.3 Gambling Commission's Guidance to Licensing Authorities 5th Edition September 2015 (as amended September 2016)