

8. STATEMENT OF GAMBLING POLICY

REPORT OF: Tom Clark, Head of Regulatory Services.
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Wards Affected: ALL
Key Decision: No
Report to: Scrutiny Committee for Community, Housing and Planning
4th July 2018

Purpose of Report

1. To seek the Committee's views on the content of the Draft 'Gambling Act 2005 (Statement of Licensing Policy) 2018' (Appendix 1) before it goes out to public consultation in July 2018. It is proposed that following consultation, if there are significant amendments required, it will be reviewed by this Committee on the 21st November before it is formally adopted by Council in December 2018.

Recommendations

The Committee is recommended to endorse the Draft Statement of Licensing Policy for Gambling at Appendix 1 before it is issued for public consultation.

Background

2. Section 349 of the Gambling Act 2005 requires a Licensing Authority (Mid Sussex District Council) to prepare and publish a statement of its Licensing Policy every three years or as appropriate. The existing Policy was adopted in December 2015.
3. The Statement is not intended to be used to limit gambling establishments but how we apply the Act in order to protect the public through the three objectives:
 - 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.
4. In accordance with the Gambling Act 2005, the draft Policy contained in Appendix 1 will be published for a 6 week consultation period starting on the 16th July 2018. The list of consultees include the following;
 - Elected Members,
 - Town and Parish Councils,
 - Sussex Police,
 - West Sussex Fire and Rescue Service,
 - West Sussex County Council,
 - The trade bodies representing premises licence holders and local businesses.

5. The revised Policy has been reviewed in light of a number of regulatory and legislative changes and statutory guidance. The main changes are as follows and are highlighted in red in the draft policy statement :
 - The inclusion of social responsibility provisions within the Gambling Commission's Licence conditions and code of practice.
 - Clarify guidance to applicants on what we expect them to do to meet the three licensing objectives e.g. risk assessments to demonstrate how they can achieve the licensing objectives whilst holding a licence.
6. To provide some context, we currently licence:
 - 2 Adult Gaming Centres (Pease Pottage Services)
 - 10 Betting Shops
 - 61 premises with Gaming Machines that are licensed to sell alcohol and that have an automatic entitlement to have 2 gaming machines provided they have notified us
 - 12 premises with 3 or more Gaming machines
 - 6 Club Gaming Machine Permits (Registered Clubs) - larger prize money
 - 7 Club Gaming Permits allows certain gaming and larger prize money machines
 - 129 Small Society Lotteries are registered (these register annually to allow raffles, sale of tickets etc.)
7. The Committee will be aware of a Government Consultation during the latter part of 2017 about proposals regarding Gaming Machines and Social Responsibility Measures. Any legislative changes announce by the Government as a result of their consultation will be incorporated into our revised policy.

Policy Context

8. The Gambling Act 2005 (Statement of Licensing Policy) is produced in accordance with the provisions of The Gambling Act 2005 (Licensing Authority Policy Statement England and Wales) Regulations 2006, which places a duty on the Council to carry out its licensing functions in respect to the licensing, inspection and enforcement of such premises.

Financial Implications

9. None

Risk Management Implications

10. The Council is required to review its Statement every three years or sooner if appropriate. Failure of a Council to review their Policy could be open to a legal challenge.

Equality and Customer Service Implications

11. An equality impact assessment was carried out in the development of this Statement and did not identify any negative impacts for customers and those protected by equalities legislation. The Statement is intended to protect the public and through our consultation with a range of stakeholders, including the Police, we will ensure that any relevant issues are identified.

Background Papers

None

