



**Hinckley & Bosworth
Borough Council**

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

COUNCIL

27 NOVEMBER 2018

WARDS AFFECTED: ALL WARDS

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

Report of Director (Environment & Planning)

1. PURPOSE OF REPORT

- 1.1 To consider the Gambling Policy (Statement of Principles) in light of the recent consultation exercise and recommendation by the Licensing Committee for Council to adopt the Policy as amended.

2. RECOMMENDATION

- 2.1 That the Council adopts the Gambling Policy (Statement of Principles).

3. BACKGROUND TO THE REPORT

- 3.1 The responsibility for regulatory activity on gambling is split between local authorities and the national regulator, the Gambling Commission. The Commission issues licences to gambling operators and individuals and issues guidance to local authorities as to how we should exercise our powers under the legislation. The Commission can impose conditions on operators, develop codes of practice and investigate claims of illegal gambling or any breaches of the requirement of the legislation. Where it considers such action appropriate it will suspend or revoke licences and issue unlimited financial penalties.
- 3.2 Local Authorities designated as licensing authorities are responsible for issuing premises licenses to casinos, betting offices, race tracks, bingo clubs, adult gaming centres (for over 18s only) and family entertainment centres. We also issue permits for gaming machines and registrations for small society lotteries.
- 3.3 Under the provisions of the Gambling Act 2005 Hinckley & Bosworth Borough Council is the Licensing Authority for the administration and enforcement of 'gambling', defined as betting, gaming and participating in a lottery.
- 3.4 Section 349 of the Gambling Act 2005 requires that Hinckley & Bosworth Borough Council as licensing authority prepare and publish a statement of principles every

three years. The Borough Council's Statement of Principles is due for renewal by January 2019.

- 3.5 It is a further requirement of the Act that the policy must be approved at a meeting of the Council. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies defined by the Act.
- 3.6 The statement of principles is required to clearly place the promotion of the licensing objectives of the Act as central to its purpose. These are:
1. Preventing gambling from being used as a source of crime or, being associated with crime and disorder or used to support crime;
 2. Ensuring gambling is conducted in a fair and open way;
 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.7 The statement has been produced in consultation with persons and bodies stipulated by the Act. These are:
- Chief Officer of Police for the authority's area;
 - Persons who appear to the authority to represent the interests of gambling businesses in the area;
 - Persons who appear likely to represent or have interests likely to be affected by the exercise of the authority's functions under the Act.
- 3.8 In determining its policy the authority has had regard to the guidance and has given appropriate weight to representations made with regard to:
- Interest and expertise of person making the representation;
 - The motivation of those making representations;
 - How many people have expressed similar views;
 - How far representations relate to matters that should be included in the policy.
- 3.9 The Gambling Act 2005 reorganised the way in which commercial gambling was licensed and regulated, and introduced a range of controls over activities that were previously unregulated e.g. remote gambling via mobile devices.
- 3.10 There are five minor amendments to the policy shown at section 1.5 Information Exchange , section 1.9 Local Risk Assessment, section 1.10 Local Area Profile, section 4.4 Licensing Objective, section 6 Further Information.
- 3.11 The policy is shown at Appendix A and is recommended for adoption by the Council.
4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES
- 4.1 Report is to be taken in open session.
5. FINANCIAL IMPLICATIONS (AG)
- 5.1 None.

6. LEGAL IMPLICATIONS (MR)

- 6.1 The legal requirements relating to the Statement of Principles, the consultations to be carried out before any changes are made, and the procedure for agreeing to any amendment are set out adequately in the body of the report.

7. CORPORATE PLAN IMPLICATIONS

- 7.1 The Statement of Principles will contribute to the Councils Corporate Plan objectives of supporting individuals and creating a vibrant place to work and live.

8. CONSULTATION

- 8.1 A period of consultation has taken place with Statutory Consultees, and other relevant organisations as follows:

- The Chief Constable, Leicestershire Constabulary;
- Leicestershire Safeguarding Children Board;
- Leicestershire Fire & Rescue Service;
- Gambling trade associations;
- Hinckley & Bosworth Borough Council Members;
- All Parish and Town Councils;
- Neighbouring local authorities;
- Hinckley BID;
- Existing licensees;
- Gam Care & Gamblers Anonymous.

- 8.2 During the consultation the draft policy received support from Hinckley BID, Burbage Parish Council and the Gambling Commission who also responded with new information which has been incorporated into the policy.

No other responses were received from any of the consultees.

9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision have been identified, assessed and that controls are in place to manage them effectively.

- 9.3 The following significant risks associated with this report were identified from this assessment:

Reputation from negative press coverage from enforcement	Ensure enforcement carried out competently and proportionately and in accordance with enforcement policy	Mark Brymer
Knowledge and skills of staff	Ensure adequate training given to enforcement staff	Mark Brymer
Legal compliance	Ensure actions in compliance with Central Government Policy	Mark Brymer

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 The policy will not effect the equality impact assessment and will not impact rural areas of the borough.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications - Environmental implications
 - ICT implications - Asset Management implications
 - Procurement implications - Human Resources implications
 - Planning implications - Data Protection implications
 - Voluntary Sector
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Background papers: Gambling Commission - Guidance to Licensing Authorities
Gambling Act 2005 (Licensing Authority Policy Statement) (England
and Wales) Regulations 2006 (S.I 636 of 2006)

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