

EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Sylvia Russell

DATE: 30 October 2018

REPORT OF: Licensing Manager

SUBJECT:
Gambling Act 2005 – Review of Statement of Principles

PART I

RECOMMENDATIONS

The Executive is recommended to comment on the Statement of Principles, the representations received and the proposed amendments to the Statement (if any).

Resolve

That the Statement of Principles be approved subject to approval by Full Council.

1. PURPOSE

To consider the draft Statement of Principles is set out at Appendix A prepared under the Gambling Act 2005 the amendments are in bold. Three letters have been received these are set out in Appendix B.

2. BACKGROUND

The Council is required every three years, to prepare and keep under review, a statement of the principles which it proposes to apply when exercising its functions and the statement must be published. The Council has prepared its statement which has been subject to consultation.

The current statement of principles come into effect on 31 January 2016 and expires on 30 January 2019.

3. MAIN IMPLICATIONS

The publication of the Statement of Principles within the timescale referred to and its application in the licensing process is a legal requirement.

4. GROUPS CONSULTED

The Licensing Authorities draft Statement of principles was made available for consultation on the 30 July 2018. The final date for comments was 28 September 2018.

The consultation exercise for the draft statement of principles has been wide. Section 34(3) requires consultation with police, persons who represent the interest of persons carrying on gambling businesses and persons who represent the interests of persons who are likely to be affected by the exercise of the authority's function before its adoption. The list of those with whom the Council has consulted is reproduced below. A letter was sent to each of the consultees inviting them to make comment on the principles. They were given the choice of downloading a copy of the review of the licensing policy from Teignbridge District Councils website or requesting a printed copy to be sent out by post. The Licensing Office received one request to supply a printed copy this was from a town council. A copy of the review of the statement of principles was placed on the Council's internet site and libraries within the District.

- South Devon and Dartmoor Community Safety Partnership
- Devon and Cornwall Police
- Devon County Council Social Services/Education Department
- Devon & Somerset Fire and Rescue Service
- TDC - Environmental Health
- Gamblers Anonymous
- Gambling Commission
- Gamcare
- Local businesses and their representatives
- Local faith groups
- Local residents and their representatives
- Mencap
- NSPCC
- NHS Northern Eastern and Western Devon Clinical Commissioning Group
- Representatives of existing licence-holders
- Voluntary & Community organisations working with children & young people
- All Parish Councillors
- All District Councillors
- All premises identified as being affected by the changes
- All known Chambers of Trade operating within the District
- The Children's Safeguarding Board
- H M Revenue & Customs
- Association of British Bookmakers

- British Amusement Catering Trade Association (BACTA)
- Bingo Association
- British Association of Leisure Parks, Piers & Attractions Limited (BALPPA)

The feedback from the consultation process has been minimal, details are set out on the attached representations received and proposed amendments Appendix C. The list of factors that have been raised are covered by the Gambling Commissions Licensing Conditions and Code of Practice, Social Responsibility codes as well as changes made to Teignbridge District Council's review of the Statement of Principles.

On 5 October 2018 the Licensing Committee discussed the Statement of Principles and recommended the amendments to representations received as set out in the report and appendices as circulated with the agenda, be referred to the Executive for approval subject to the following further amendment:

- That all references to safeguarding and vulnerable individuals and children in the Appendix to the Statement of Principles be also referred to in the Statement of Principles at the following paragraphs:
 - (a) Page 13, Paragraph 6 '*Overriding Principles.*'
 - (b) Page 34, Part C, Paragraph 1.1 *Permits/Temporary & Occasional Use Notice – Unlicensed Family Entertainment Centre*

5. TIME-SCALE

- 5 October 2018 – Licensing Committee consider draft Statement of Principles
- 30 October 2018 - Executive consider draft Statement of Principles
- 19 November 2018 - Council consider and approve Statement of Principles
- By 3rd January 2019 - Publish Statement of Principles
- By 31st January 2019 - Statement of Principles takes effect.

6. JUSTIFICATION

Regulations require the Statement of Principles to be approved by Council, subject to the comments of the Executive.

7. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

10.00 a.m. on Tuesday 30 October 2018.

Andrea Furness
Licensing Manager

Cllr Sylvia Russell
Portfolio Holder for Environment,
Health and Wellbeing

Wards affected	All
----------------	-----

Contact for any more information	Andrea Furness
Background Papers (For Part I reports only)	Gambling Act 2005 Guidance to Licensing Authorities 5th Edition
Key Decision	N
In Forward Plan	Y
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	Appendix A – Draft Statement of Principles Appendix B – Comments / Representations Appendix C – Representations and Proposed Amendments