

ANGUS LICENSING BOARD – 25 FEBRUARY 2016

GAMBLING ACT 2005 SECTION 349 STATEMENT OF PRINCIPLES

REPORT BY SHEONA C HUNTER HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

This report presents to the Board a consultation draft Statement of Principles under the Gambling Act 2005 and seeks authority from the Board to proceed to formal consultation on its terms.

1. RECOMMENDATIONS

It is recommended that the Board agrees to:-

- (i) approve the terms of the consultation draft Statement of Principles prepared under Section 349 of the Gambling Act 2005 (“the Gambling Act”) and annexed to this report;
- (ii) authorise the Clerk to proceed with formal consultation upon its terms; and
- (iii) following the 12 weeks consultation, authorise the Clerk to adopt the Policy Statement, subject to minor alterations as are necessary to reflect any legislative/Board policy changes and provided no substantive changes are recommended by the consultees. Should any substantive changes be proposed then the matter would be referred back to the Board.

2. BACKGROUND

- 2.1 Section 349 of the Gambling Act requires the Board on or before each successive period of three years, to prepare a statement of the principles that they propose to apply in the exercise of their functions under the Act (the “Policy Statement”) and to publish that Policy Statement.
- 2.2 The current Policy Statement requires to be reviewed in terms of the Gambling Act.
- 2.3 In carrying out most, but not all, of its functions under the Gambling Act, the Board is required to have regard to the Licensing objectives set out in Section 1 of the Gambling Act namely:-
 - (i) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - (ii) ensuring that gambling is conducted in a fair and open way; and
 - (iii) protecting children or vulnerable persons from being harmed or exploited by gambling.
- 2.4 Section 25 of the Gambling Act requires the Board to have regard to guidance issued by the Gambling Commission in carrying out its functions under the Gambling Act.
- 2.5 The Consultation draft Policy Statement seeks to offer further guidance to applicants and objectors as to the way in which the Board will carry out its functions under Gambling Act.
- 2.6 This draft Policy Statement has been prepared having regard to the requirements of the Gambling Act and the Gambling Commission Guidance to Licensing Authorities 5th Edition (September 2015).
- 2.7 The consultation draft Policy Statement seeks to retain relevant existing policies and practices of the Board while providing additional guidance on the way in which the Board will carry out its functions under the Gambling Act.
- 2.8 No changes to the previous policy are proposed.

4 PROPOSED CONSULTATION

4.1 The Board is required to consult the Chief Constable, person(s) representing gambling interests in the area and person(s) representing the interests of those likely to be affected by the exercise of the Board's functions. Those who have previously been consulted in the preparation of the Policy Statement were:-

- Police Scotland,
- The Strategic Directors of People and Communities, Angus Council
- Angus Community Health Partnership
- Angus Child Protection Committee
- Scottish Licensed Trade Association, Tayforth Branch
- all Angus Community Councils
- all local operators and parties who specifically requested consultation.

4.2 Subject to changes in departmental designations within Angus Council, it is proposed that the foregoing parties are consulted on this draft Policy Statement.

4.3 In further addressing the requirement that the Board consults with persons representing gambling interests in the area and those likely to be affected by the exercise of the Board's functions it is proposed that the following additional parties be consulted on the draft Policy Statement:-

- The Faculty of Procurators and Solicitors in Angus
- Gamcare, London

4.4 It is proposed that this consultation period will commence as soon as reasonably practical after approval of this Report and the consultation will be open for a minimum of 12 weeks.

4.5 It is proposed that the consultation draft Policy Statement is made available for public comment via Angus Council's website under the "Have your Say" section.

4.6 Following the conclusion of the consultation, a response will be presented to the Board if any substantive changes to the Policy Statement are proposed.

4.7 The Board's intention to publish the Policy Statement will be published by notice as required by legislation.

5 FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from this Report.

NOTE: The background papers (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above Report are:

- The Gambling Act 2005
- The Gambling Commission Guidance to Licensing Authorities (5th Edition September 2015)
- The Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006

REPORT AUTHOR: Blair Melville
EMAIL DETAILS: melvilleb@angus.gcsx.gov.uk