

**ANGUS LICENSING BOARD – 9 AUGUST 2018**

**GAMBLING ACT 2005 SECTION 349 STATEMENT OF PRINCIPLES**

**REPORT BY THE CLERK TO THE BOARD**

**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. RECOMMENDATION**

It is recommended that the Board agrees to:-

- (i) approve the terms of the consultation draft Statement of Principles (“the Policy Statement”) prepared under section 349 of the Gambling Act 2005 (“the Act”) annexed to this report; as Appendix 1.
- (ii) authorise the Clerk to proceed with formal consultation upon its terms; and
- (iii) following the 4 week consultation period, 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 Act requires the Board to prepare a Statement of the Principles (“the Policy Statement”) that they propose to apply in the exercise of their functions under the Act and to publish that Policy Statement.

2.2 The current Policy Statement requires to be reviewed in terms of the Act.

2.3 In carrying out most, but not all of its functions under the Act, the Board is required to have regard to the licensing objectives set out in section 1 of the Act, namely:-

- (a) preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime;
- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.4 Section 25 of the Act requires the Board to have regard to guidance issued by the Gambling Commission in carrying out its functions under the 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 the Act.

- 2.6 The draft Policy Statement has been prepared having regard to the requirements of the Act and the Gambling Commission Guidance to Licensing Authorities 5<sup>th</sup> edition (updated September 2016).
- 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 Act.
- 2.8 Minor changes to the previous policy are proposed.

### **3. PROPOSED CONSULTATION**

3.1 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 most likely to be effected by the exercise of the Board's functions. The Clerk proposes to consult with the following:

- (a) The Chief Constable, Police Scotland
- (b) The Strategic Director, People, Angus Council
- (c) The Strategic Director, Place, Angus Council
- (d) Angus Adult Protection Committee c/o Angus Council
- (e) Angus Child Protection Committee c/o Angus Council
- (f) Scottish Licensed Trade Association
- (g) Angus Health and Social Care Partnership c/o Angus Council
- (h) Angus Alcohol and Drug Partnership c/o Angus Council
- (i) All Angus Community Councils
- (j) All local operators and parties who specifically request consultation
- (k) Gamcare
- (l) The Faculty of Procurators and Solicitors in Angus

3.2 Members are asked to highlight any additional consultees they consider it necessary and appropriate to contact to the Clerk.

3.3 It is proposed that this consultation period will commence as soon as reasonably practicable after approval of this report and the consultation will be open for a period of 4 weeks.

3.4 It is proposed that the consultation draft Policy Statement is made available via the Clerk (in electronic or hard copy format), in addition to a link to the document on Angus Council's website. This will be highlighted on the "Have Your Say" page of Angus Council's website. Posts will be placed on Angus Council's Facebook page and Twitter feed. Comments and suggestions can be directed to [LAWLicensing@angus.gov.uk](mailto:LAWLicensing@angus.gov.uk).

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

3.6 The Policy Statement will be publicised as required by legislation.

### **4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications arising from this report.

### **5. HUMAN RIGHTS IMPLICATIONS**

5.1 There are no human rights implications arising from this report.

### **6. EQUALITIES IMPLICATIONS**

6.1 An equalities impact assessment is not required.

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 (5<sup>th</sup> Edition September 2016)

The Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006

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