

9. **ADDITIONAL REPORTS**

- (iii) **Interim Report – Review of Gambling Statement of Licensing Principles 2019-2022**

ABERDEENSHIRE LICENSING BOARDS
South, Central and North Divisional Licensing Boards

REPORT TO LICENSING BOARDS – 3rd October, 10th October and 31st October 2018

GAMBLING ACT 2005 – SECTION 349

REVIEW OF STATEMENT OF LICENSING PRINCIPLES 2019-2022

1. Recommendations

1.1. It is recommended that the Boards:

- (a) **Agree the terms of the draft Statement of Licensing Principles;**
- (b) **Note that the formal consultation period is taking place between 5th October and 17th November 2018**
- (c) **note that a report seeking the approval of the revised Statement of Licensing Principles will be brought to the Boards at their December Meetings**

2. Background

2.1. Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. The previous three year period ran from January 2016 – January 2019.

2.2. The Boards' current Statement of Licensing Principles can be accessed at:
<https://www.aberdeenshire.gov.uk/licensing/licences-and-permits/gambling-gaming-and-lotteries/>

2019-2022 Review

2.3. The Boards authorised the review of the Statement of Licensing Principles at their Board Meetings in August 2018. Officers advised that a revised draft

Statement of Licensing Principles would be brought to the October Meetings for the approval of the Boards. The draft revised Statement of Licensing Principles is attached as Appendix 1 to this report.

2.4. The vast majority of the existing Statement of Licensing Principles remains the same as the terms already meet the requirements of the Gambling Act 2005 and the Statutory Guidance produced by the Gambling Commission.

2.5. The main changes to be made to the current policy statement are as follows:

- (a) The Policy Statement now needs to contain a local Area Profile in addition to a general description of the Boards' area. The profile is to show
- The key characteristics of the local area
 - The risks in terms of Gambling and the Licensing Objectives
 - Inform operators of the risks they need to address in producing their local risk assessments in terms of the Act.

The local Area Profile must be drawn up with input from public health, mental health, housing, education, community welfare and safety partnership, Police Scotland and organisations such as GAMcare or the equivalent. The Boards have already received some statistical information from the Gambling Commission in respect of the Grampian Health Board Area which will be used to help compile the local Area Profile.

- (b) The Policy Statement needs to make reference to the Human Rights Act and the section on Data Protection needs to be updated to reflect the new requirements of GDPR.

- (c) The Gambling Commission has revised its Guidance which means we have revised and updated the information on:

- (i) Licence types, throughout
- (ii) Gaming permits and the monetary limits
- (iii) Who the Boards can share information with and why

- (d) The final version of the Statement of Licensing Principles will reflect the new corporate presentation layout of the Licensing Boards. This work has still to be done.

2.6. Following the August Board Meetings, Officers consulted partner agencies seeking assistance in providing the evidence to compile a draft Gambling Profile of Aberdeenshire. This is proving to be more difficult than anticipated

and more time is needed to enable partners to compile the relevant information. Work will therefore continue during the public consultation period to compile the profile so that it can be included in the final Statement for approval by the Boards at their December Meetings.

- 2.7. The timeline for approving the new Statement of Licensing Principles is very tight. The public consultation runs until 17th November 2018 in order to have evidence and responses to consultation to enable the Boards to finalise the Statement at their December Board Meetings in order to be able to publish the revised Statement of Licensing Principles by the statutory deadline of 3rd January 2019, in order that the Statement takes effect from 31st January 2019.
- 2.8. A timeline has been produced to ensure the Statement of Licensing Principles is revised within the required timescales. A copy is attached as Appendix 2 to this report.

3. Governance

- 3.1. The Boards are able to consider this matter as formulating licensing Policy is a matter reserved to the Licensing Boards in terms of paragraph 2.14 of the Boards' Schemes of Delegation in relation to the Gambling Act 2005.

4. Implications and Risk

- 4.1. An Equality Impact Assessment will be carried out as part of this review and will be presented to the Boards with the final report at their December meetings.
- 4.2. There are no staffing implications within this report. A statutory advertisement will require to be published in a local newspaper at the end of the process which will incur a cost.
- 4.3. The Council's Corporate Risk Register and Directorate Risk Registers do not apply as this report relates to a Licensing Board Policy and not an Aberdeenshire Council Policy
- 4.4. The Town Centre Principle does not directly relate to the review of the Policy but an assessment will be carried out as part of the review and we will report the outcome of the Assessment to the Boards at their December meetings.

**Karen Wiles
Clerk to the Board**

Report Prepared by Fiona M. Stewart, Depute Clerk, Senior Solicitor (Democratic Services)

Date: 25th September 2018

File Reference: FMS/Gambling Act 2005/Statement of Principles 2019-2022