

ABERDEENSHIRE LICENSING BOARDS ***South, Central and North Divisional Licensing Boards***

**REPORT TO LICENSING BOARDS – 15th August, 22nd August and 29th August
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) Authorise the Clerk to the Board to conduct the review of the Statement of Licensing Principles in terms of the Gambling Act 2005;**
- (b) note that an update report, including a draft revised Statement of Licensing Principles will be brought to the Boards at their October meeting**
- (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**
- (d) note that the revised Statement of Licensing Principles will be published on the Boards website and advertised in the press on 3rd January 2019 to take affect from 31st January 2019.**

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/>
- 2.3 The Statement of Licensing Principles will last for a maximum of three years, but can be reviewed and revised by the licensing authority at any time. The Statement must be produced following consultation with the bodies set out in Section 349(3) of the Act. Those persons are:-
- (a) The Chief Constable of the police force maintained for the police area comprising that area,
 - (b) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
 - (c) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 2.4 An order by the Secretary of State has set the third three-year period as running from 14th January 2013 and subsequent periods to run three-yearly thereafter.

2019-2022 Review

- 2.5 The vast majority of the existing Statement of Licensing Principles will remain the same as the terms already meet the requirements of the Gambling Act 2005 and the Statutory Guidance produced by the Gambling Commission.
- 2.6 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 need to slightly revise and update the information on:

- Licence types, throughout
- Gaming permits and the monetary limits
- Who the Boards can share information with

2.7 A timeline has been produced to ensure the Statement of Licensing Principles is revised within the required timescales. A copy is attached as Appendix 1 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.

**Geraldine Fraser
Clerk to the Board**

**Report Prepared by Fiona M. Stewart, Depute Clerk, Senior Solicitor
(Democratic Services)
Date: 6th August 2018
File Reference: FMS/Gambling Act 2005/Statement of Principles 2019-2022**

APPENDIX 1

TIMELINE FOR REVIEW OF STATEMENT OF LICENSING PRINCIPLES

<u>Steps</u>	<u>Action Required</u>	<u>Method</u>	<u>On track?</u>	<u>Relevant Dates</u>
Step 1	Check for Updated Guidance from The Gambling Commission	Check Gambling Commission's website and download updated Guidance		July 2018
Step 2	Report to the Licensing Boards on the need to review the existing Statement of Licensing Principles	One report to be done to go to all 3 Licensing Boards to seek authorisation to conduct the review		August 2018
Step 3	Review Current Statement of Licensing Principles and update as a draft proposed Statement for Consultation	Officers review and prepare proposed statement electronically		July- August 2019
Step 4	Carry out Consultation	<ul style="list-style-type: none"> • Consultation carried out with the stakeholders listed in the current statement of licensing principles - 12 weeks minimum • Electronic consultation and publicity on the website • Specifically engage with stakeholders to produce a draft local Area Profile to be included in the revised Policy Statement 		August - October 2019

<u>Steps</u>	<u>Action Required</u>	<u>Method</u>	<u>On track?</u>	<u>Relevant Dates</u>
Step 5	Update Licensing Boards	Report to the Boards on the progress of the review inclusive of the draft of the revised statement of Licensing Principles		October 2019
Step 6	Review Proposed Statement in light of consultation responses	Officers update the proposed statement electronically		November 2019
Step 7	Report to the Licensing Boards seeking approval of the proposed statement of licensing Principles	One report to be done to go to all 3 Licensing Boards highlighting the changes made and listing any representations made as a result of consultation		December 2019
Step 8	Publish the Approved Statement of Licensing Principles	Publish on the Boards' website and arrange for publication of statutory notice in the press		By 31st December 2019
Step 9	Review	Update timeline for Next Review		To begin April/May 2022