

**Wards Affected:***All Wards***ITEM 6****LICENSING COMMITTEE****2 DECEMBER 2015****Consideration of Statement of Gambling Principles 2016 - 2019**

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**Executive Summary:**

Milton Keynes Council ("the Council") adopted its Statement of Gambling Principles in 2007. The document was formally reviewed in line with legal requirements in 2010 and 2013. A further review is required every three years.

**1. Recommendation(s)**

- 1.1 That the Committee approve the draft document attached and recommend that it be adopted by Council at its next appropriate meeting.

**2.0 Issues**

- 2.1 The Council adopted the current version of its Statement of Gambling Principles on January 9<sup>th</sup> 2013. Section 349 of the Gambling Act 2005 requires a three yearly review.
- 2.2 The existing statement has been reviewed against the statutory requirements detailed in the Gambling Act and the accompanying Regulations (SI 2006 / 636). This has identified some minor areas of correction. The policy has also been reviewed for accuracy to reflect current circumstances. For example in the last three years there have been a number of organisational changes at the Council and some statistics in the existing policy have become outdated. A draft policy to account for all of these matters was produced.
- 2.3 All changes proposed to be made to the statement in respect of the matters above have been highlighted by their inclusion in grey boxes. These boxes show the proposed change and the reasoning behind it. See Annex A.
- 2.4 Since the statement was last reviewed in 2013 there has been no change to the primary legislation or its regulations but with effect from April 2016 applications for premises licences will need to include consideration of local risks. What constitutes a local risk is not defined but Local Authorities (i.e. Milton Keynes Council as the Licensing Authority) will be able to formulate what are called Local Area Profiles (LAP) to guide applicants. An example given of a 'local risk' is a premises being situated close to a school and the need to not advertise events when children will be nearby.
- 2.5 There is no need for an Authority to have an LAP and if it does, it need not form part of the policy. It is however recognised the potential benefit to the licensing objectives if one is in place as it allows local circumstances to be taken into account more so than in the past when deciding applications. The revised statement therefore makes reference to LAPs and work will be undertaken with

responsible authorities and others in the New Year to formulate an LAP if there is demand for one in Milton Keynes.

- 2.6 The new draft statement was circulated for consultation to Councillors; Town and Parish Councils; Responsible Authorities under the Act; those representing persons carrying on gambling businesses in Milton Keynes and others as detailed in Appendix B of the statement.
- 2.7 The consultation resulted in a number of responses as summarised in Annex B. Any specific letters received are provided at Annex C. All responses have been considered and changes as a result are also shown in text boxes in Annex A but in a different format to the original draft so the difference is clear. An overall chronological list of all changes is provided at Annex D

### **3. Options**

- 3.1 The Committee has the following options available to it:
- 3.2 The Committee may decide to approve some or all of the proposed changes shown in the attached draft statement and recommend that the agreed elements of the statement be adopted by Council
- 3.3 The Committee can reject the changes proposed and the statement remains as that adopted in January 2013.

### **4. Implications**

#### 4.1 Policy

The Statement of Gambling Principles is kept under three year review by the Council. The changes proposed will not take effect until adoption by Council.

#### 4.2 Resource and Risk

N	Capital	N	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

#### 4.3

#### 4.4 Carbon and Energy Management

None

#### 4.5 Legal

The provisions of the Council's Policy show how the Council will use its powers under the relevant legislation and apply the various tests within those enactments. A robust Policy is good evidence of a fair and transparent process should decisions made by the Council be appealed.

#### 4.6 Other Implications

Y	Equalities/Diversity	N	Sustainability	Y	Human Rights
N	E-Government	N	Stakeholders	N	Crime and Disorder

Background Papers:

Statement of Gambling Principles 2013 – 2016