



**COUNCIL**

**15<sup>TH</sup> DECEMBER 2015**

**AGENDA ITEM (8)**

**GAMBLING ACT 2005 - REVIEW OF THE STATEMENT OF PRINCIPLES**

<b>Accountable Member</b>	Council
<b>Accountable Officer</b>	Michelle Bignell Senior Licensing Officer 01285 623000 michelle.bignell@cotswold.gov.uk
<b>Purpose of Report</b>	The report details proposed revisions to the Council's Statement of Principles under the Gambling Act 2005 ('the Act'), based on legislative requirements and statutory guidance.
<b>PLANNING AND LICENSING COMMITTEE Recommendation</b>	That Council approves the reviewed Statement of Principles, attached at <b>Appendix 'A'</b> to this report.
<b>Reason for Recommendation</b>	To ensure that the Council complies with the Act
<b>Wards Affected</b>	All
<b>Key Decision</b>	Not applicable
<b>Financial Implications</b>	There are no financial implications associated with this report. The Council receives income through licence fees, and this covers the cost of carrying out this function.
<b>Legal and Human Rights Implications</b>	(i) The Act requires the Council to prepare and approve a Statement of Principles to cover each three-year period. The statement must contain the principles that the Council proposes to apply in exercising its function under the Act during the period.  (ii) Section 2 of the Act provides that the Council is the licensing authority for the purposes of the Act. Section 157 of the Act provides that, in relation to premises, the licensing authority in whose area the premises are situated is also a responsible authority. Therefore, it is lawful and entirely proper for the Council to carry out both of these roles.  (iii) Section 349 of the Act requires the Council to advertise and publish the statement for a period of four weeks before it takes effect.

	<p>(iv) If the Council approves the statement and advertises it for the required period prior to publication, it will comply with its requirements as above.</p> <p>(v) Under the Human Rights Act 1998, when making a decision concerning any applications, the relevant Committee/Sub-Committee must consider the balance between the rights of applicants and the rights of those making representations on the applications made pursuant to the Act.</p>
<b>Environmental and Sustainability Implications</b>	None
<b>Human Resource Implications</b>	None
<b>Key Risks</b>	<p>(i) Statement of Principles unfair, or too prescriptive.</p> <p>(ii) Revised Statement of Principles not published on time (on or by 31<sup>st</sup> January 2016).</p> <p>(iii) Consultation is inadequate.</p>
<b>Equalities Analysis</b>	Not required.

<b>Related Decisions</b>	None
<b>Background Documents</b>	<p>(i) Guidance Issued under Section 25 of the Act, Gambling Commission - September 2015</p> <p>(ii) Statement of Principles, Cotswold District Council - January 2013</p>
<b>Appendices</b>	<p><b>Appendix 'A'</b> - Draft revised Statement of Principles (including tracked changes)</p> <p><b>Appendix 'B'</b> - Table of amendments and consultation comments</p>

<b>Performance Management Follow Up</b>	Publish the approved revised document on the Council's website at least four weeks before 31 <sup>st</sup> January 2016
---	---

<b>Background Information</b>	
1. <u>General</u>	
1.1 The Council is the Licensing Authority for the purposes of the Act. The Act sets out the regulatory system that governs the provision of all gambling in Great Britain, other than the National Lottery. The Act requires the Council to prepare a Statement of the principles that it proposes to apply in exercising its functions under the Act.	
1.2 The Statement is a licensing policy which sets out the general approach the Council will take when carrying out its regulatory role under the Act.	

1.3 As of September 2007, licensing authorities were granted powers to licence gambling premises within their area as well as undertaking functions in relation to lower stake gaming machines and club and minors welfare institutes.

1.4 The Act contains three licensing objectives, which underpin the functions that the Gambling Commission and Council will perform. These Objectives are central to the regulatory regime created by the Act. They are:-

- Preventing gambling from being a source of crime and disorder;
- Ensuring that gambling is conducted in a fair and open way and;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.5 Section 349 of the Act requires the Council to prepare and publish a Statement of Principles that it proposes to apply in exercising its functions under the Act. This should be kept under review and must be re-published every three years.

1.6 The current Statement of Principles is due to expire in January 2016 and a new Statement of Principles must be in place by 31<sup>st</sup> January 2016.

1.7 The Act provides that the Licensing Authority must consult with:-

- The Chief Officer of Police for the Authority's area;
- 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
- 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 this Act.

1.8 There has only been one minor amendment and addition to the Statement of Principles under this revision which is the mention of Risk Assessments and Local Area Profiles. This is in response to changes in law effective from April 2016.

1.9 The document has been subject to a nine-week consultation period - this ended on Friday 16<sup>th</sup> October 2015.

1.10 All consultees were written to and invited to make a written comment. In addition, the consultation was advertised on the Council's website and in the reception areas at Trinity Road and Moreton-in-Marsh Area Centre with provision to respond.

1.11 Details of the responses received are attached at **Appendix 'B'** - a comment is provided against each response as to how the document has been amended, or a reason why an amendment is not considered appropriate.

## 2. Gambling Commission Guidance to Local Authorities

2.1 The Gambling Commission publishes Guidance to local authorities and this is revised on a regular basis.

2.2 The review consultation was carried under the 4<sup>th</sup> edition of the Guidance.

2.3 The 5<sup>th</sup> edition of the Guidance was published in September 2015. Since the consultation period has ended, the consultation document has been checked and no amendments are required to update the document in relation to the new Guidance issued.

3. Planning and Licensing Committee

3.1 The Planning and Licensing Committee met on 11<sup>th</sup> November 2015 and discussed the responses. Members resolved to present the draft Statement of Principles to Council for approval.

3.2 No changes were made by the Committee to the draft document presented to it.

3.3 Members resolved to present the draft Statement of Principles to Council for approval.

(END)