



COUNCIL

11TH DECEMBER 2018

AGENDA ITEM (11)

GAMBLING ACT 2005 - REVIEW OF THE STATEMENT OF PRINCIPLES

Accountable Member	Councillor MGE MacKenzie-Charrington Cabinet Member for Planning and Licensing Services
Accountable Officer	Michelle Bignell Service Leader 01285 623000 michelle.bignell@publicagroup.uk

Purpose of Report	The report details proposed revisions to the Council's Statement of Principles (Gambling Act 2005) (the Act), based on legislative requirements and statutory guidance.
PLANNING AND LICENSING COMMITTEE RECOMMENDATIONS	(a) That the reviewed Statement of Principles, attached at Appendix 'A' to the circulated report, be approved; (b) that the Council continues to adopt a "no-casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.
Reasons for Recommendation	To ensure that the Council complies with the Act.

Ward Affected	All
Key Decision	Yes
Recommendation to Council	Yes, from the Planning and Licensing Committee

Financial Implications	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. (N.B. Financial Services have been consulted in the preparation of this report).
Legal and Human Rights Implications	(i) The Act requires the Council to prepare and approve a Statement of Principles to cover each 3 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

	<p>authority. Therefore, it is lawful and entirely proper for the Council to carry out both of these roles.</p> <p>(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> <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 decisions concerning applications, the 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>
Environmental and Sustainability Implications	None
Human Resource Implications	None
Key Risks	<p>(i) Statement of Principles unfair, or too prescriptive.</p> <p>(ii) Revised Statement of Principles not published on time (on or by 31st January 2019).</p> <p>(iii) Consultation is inadequate.</p>
Equalities Analysis	Not required.

Related Decisions	None
Background Documents	<p>(i) Guidance Issued under Section 25 of the Act, Gambling Commission - September 2015.</p> <p>(ii) Statement of Principles, Cotswold District Council - January 2016.</p>
Appendices	Appendix 'A' - Draft Revised Statement of Principles

Performance Management Follow Up	<p>(i) Implement Council decision(s).</p> <p>(ii) Publish the approved revised document on the Council's website at least 4 weeks before 31st January 2019.</p>
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Background Information	
1. <u>Statement of Principles</u>	
<p>1.1 The Council is the Licensing Authority for the purposes of the Gambling Act 2005 ('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.</p>	
<p>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.</p>	

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 members' clubs and miners' 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 2019, and a new Statement of Principles must be in place by 31st January 2019.

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 The following amendments have been made to the existing policy:-

- The policy has been aligned to form a joint policy for Cotswold, Forest of Dean and West Oxfordshire District Councils (this has been approved by the Gambling Commission and the draft document has been shared with Wiltshire Council as good practice);
- The document has been updated with safeguarding guidance.

1.9 The document has been subject to a 12-week consultation period.

1.10 All consultees (see paragraph 1.7) 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 the Trinity Road and Moreton-in-Marsh offices with provision to respond.

1.11 No comments were received.

2. 'No Casino Resolution'

2.1 Under Section 166 of the Gambling Act 2005, the Licensing Authority is empowered, if it so wishes, to make a 'no casino resolution'. This means that, at the time of any such resolution, the Council does not wish to have a casino in its area; however, such decision has to be reviewed every three years.

2.2 This Council originally resolved not to issue licences to casinos in 2006; and such decision was reviewed and renewed at meetings in 2009, 2012 and 2015. The benefit of making a 'no casino'

resolution means that any applications for a casino in the Cotswold District area would be determined by the Council. If a 'no casino' resolution is not renewed, then if an operator has the necessary planning permission, it is likely that the application for a casino would automatically be granted.

3. Planning and Licensing Committee

3.1 The Planning and Licensing Committee considered the matter at its Meeting on 14th November 2018, and commended the draft reviewed Statement of Principles to Council for approval, without further amendment.

2.2 The Committee also supported the continued adoption of a "no-casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.

(END)