



AGENDA ITEM (9)

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

Accountable Member	Planning and Licensing Committee
Accountable Officer	Michelle Bignell Senior Licensing Officer 01285 623000 michelle.bignell@cotswold.gov.uk

Purpose of Report	The report details the proposed revisions to the Council's Statement of Principles in relation to the Gambling Act 2005, based on legislative requirements and statutory guidance.
Recommendation	That the revised Statement of Principles relating to the Gambling Act 2005 be recommended to the Council for consideration of approval.
Reasons for Recommendation	To ensure that the Council complies with the provisions of the Act.

Ward Affected	All
Key Decision	Yes
Recommendation to Council	The draft Statement of Principles, together with any comments made by the Committee, will be submitted to the Council for consideration of approval at its Meeting on 15th December 2015

Financial Implications	There are no financial implications associated with this report. The Council receives income from licence fees which covers the cost of carrying out this function
Legal and Human Rights Implications	(i) The Gambling 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 functions under the provisions of 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

	<p>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 four-week period 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 the statutory requirements as above.</p> <p>(v) Under the provisions of the Human Rights Act 1998, the Committee/Sub-Committee must consider the balance between the rights of Applicants and the rights of those making representations concerning applications when making decisions concerning applications made pursuant to the provisions of the 2005 Act.</p>
Environmental and Sustainability Implications	None
Human Resource Implications	None
Key Risks	<p>The Statement of Principles unfair, or too prescriptive</p> <p>The revised Statement of Principles is not published on time (on or by 31st January 2016)</p> <p>The consultation is inadequate</p>
Equalities Analysis	Not required.

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

Performance Management Follow Up	Any relevant comments to be taken into account and may be included in the final draft which will be considered by the Council at its Meeting on 15 th December 2015
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Background Information	
<p>1. The Council is the Licensing Authority for the purposes of the Gambling Act 2005. The Act sets out the regulatory system governing the provision of all gambling in Great Britain, other than the National Lottery.</p> <p>2. The Statement of Principles is a licensing policy which sets out the general approach the Council will take when carrying out its regulatory role under the Act.</p>	

3. In September 2007, licensing authorities were granted powers to licence gambling premises within their areas, as well as undertaking functions in relation to lower stake gaming machines, clubs and Miners' Welfare institutes.
4. The Act contains three licensing objectives, which underpin the functions the Gambling Commission and the Council will perform. Those objectives, which are central to the regulatory regime created by the Act, are:-
- preventing gambling from being a source of crime and disorder;
 - ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
5. Section 349 of the Act requires the Council to prepare and publish a Statement of Principles which it proposes to apply in exercising its functions under the Act. The Statement is a licensing policy setting out the general approach that will be taken by the Council when carrying out its regulatory duties under the provisions of the Act. The Statement should be kept under review and must be re-published every three years.
6. The current Statement is due to expire in January 2016, and a new Statement must be in place by 31st January 2016 and a copy of the revised Statement is attached at **Appendix 'A'**.
7. The Act requires the Licensing Authority to consult:-
- 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;
 - 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 provisions of the Act.
8. There has only been one minor amendment and addition to the current Statement under this revision which was the mention of Risk Assessments and Local Area Profiles. This is in response to the Licence Conditions Codes of Practice from the Gambling Commission which takes effect from April 2016.
9. The revised Statement has been subject to a nine-week consultation period which ended on 16th October 2015. All consultees were written to and invited to submit written comments. In addition, the consultation was advertised on the Council's Website and at the Council's Trinity Road and Moreton-in-Marsh offices, where there was also provision for responses to be made.
10. Copy of responses received are attached at **Appendix 'B'**, together with comments on to how the Statement has been amended or reasons why they haven't been taken into account.
11. The Gambling Commission's Guidance to Local Authorities
- 11.1 The Gambling Commission publishes guidance to local authorities, which is revised on a regular basis. The consultation for this review of the Statement was carried out in accordance with the 4th edition of the Guidance.
- 11.2 The 5th 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.

12. Next Steps

The Council will be asked to consider approving the revised Statement so that it can be published on the Website in order to meet the statutory deadline.

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