



**AGENDA ITEM (9)**

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

<b>Accountable Member</b>	Planning and Licensing Committee
<b>Accountable Officer</b>	Michelle Bignell Service Leader - Licensing 01285 623000 michelle.bignell@publicagroup.uk
<b>Purpose of Report</b>	The report details the proposed revisions to the Council's Statement of Principles (Gambling Act 2005) (the Act), based on legislative requirements and statutory guidance.
<b>Recommendation</b>	<b>(a) That the Committee considers the revised statement of principles in 'Appendix A' and recommends that the document is presented to Full Council for approval;</b> <b>(b) that the Committee recommends that Council continues to adopt a "no- casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.</b>
<b>Reasons for Recommendation</b>	To ensure that the Council complies with the Act.
<b>Ward Affected</b>	All
<b>Key Decision</b>	Yes
<b>Recommendation to Council</b>	The draft Statement of Principles will be submitted to Full Council for approval on 11 December 2018. That the Council continues to adopt a "no- casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.
<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. (Financial Services have been consulted in the preparation this report.)
<b>Legal and Human Rights Implications</b>	(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

	<p>during the period.</p> <p>(ii) Section 2 of the Act provides that the Council is the licensing authority for the purposes of the Act 2005. 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.</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, 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 Act</p> <p>(Legal Services have been consulted in the preparation this report.)</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 2019);</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 2016</p>
<b>Appendices</b>	<p><b>Appendix 'A'</b> - draft revised Statement of Principles</p> <p><b>Appendix 'B'</b> - existing Statement of Principles</p>
<b>Performance Management Follow Up</b>	Any relevant comments to be taken into account. These may be included in the final draft which goes to full Council on 11 <sup>th</sup> December 2018.

## **Background Information**

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 that it proposes to apply in exercising its functions under the Act.
2. The Statement is a licensing policy which sets out the general approach the Council will take when carrying out our regulatory role under the Act.
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.
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;
  - Protect 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 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.
6. The current Statement of Principles is due to expire in January 2019 and a new Statement of Principles must be in place by 31<sup>st</sup> January 2019.
7. The Licensing Authority consulted with:-
  - All licence holders within the Council District area;
  - All Responsible Authorities under the Act;
  - All Town/Parish Councils;
  - All Ward Members;
  - The Public Health board (which is not a mandatory consultee but the Gambling Commission advise that they are consulted in the interests of vulnerable persons).
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.
9. The document has been subject to a 12-week consultation period which ended on Friday 10<sup>th</sup> August 2018.
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 Offices with provision to respond.

11. There were no comments made during the consultation period by any of the consultees.

12. S166(1) of the Act states that a Licensing Authority may resolve not to issue casino premises licences. Notwithstanding all the Casinos have been allocated by central Government, s166(3) of the Act states that this resolution expires after three years and the Council needs formally to re-affirm at this time that a "no-casino resolution" is still in place.

13. Next Steps

13.1 Full Council will be asked to approve the revised Statement on the 11<sup>th</sup> December 2018 so that it can be published on the Council's website before Christmas leave to meet the January 2019 deadline.

(END)