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| Council name               | COTSWOLD DISTRICT COUNCIL   |
| Name and date of Committee | COUNCIL - 19 JANUARY 2022   |
| Report Number              | AGENDA ITEM 8   |
| Subject                    | GAMBLING ACT 2005 - REVIEW OF THE STATEMENT OF PRINCIPLES   |
| Wards affected             | All   |
| Accountable member         | <p>Cllr Juliet Layton Cabinet Member for Development Management and Licensing</p> <p>Email: <a href="mailto:juliet.layton@cotswold.gov.uk">juliet.layton@cotswold.gov.uk</a></p>  |
| Accountable officer        | <p>Alison Gardner – Licensing Lead</p> <p>Email: <a href="mailto:alison.gardner@publicagroup.uk">alison.gardner@publicagroup.uk</a></p>   |
| Summary/Purpose            | 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.   |
| Annexes                    | Annex A – Copy of draft Statement of Principles   |
| Recommendation(s)          | <p><i>a) That the reviewed Statement of Principles, attached at Annex 'A' to the circulated report, be approved;</i></p> <p><i>b) that the Council continues to adopt a "no-casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.</i></p> |
| Corporate priorities       | <ul style="list-style-type: none"> <li>• Delivering our services to the highest standards</li> <li>• Helping residents and communities access the support they need for good health and wellbeing</li> </ul>  |
| Key Decision               | NO  |
| Exempt                     | NO  |
| Consultees/ Consultation   | The revised policy was subject to a 12 week consultation period which came to an end on the 27 September 2021.  |



## **I. BACKGROUND**

- I.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.
- I.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.
- I.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.
- I.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.
- I.5** Section 349 of the Act requires that the Licensing Authority shall, before each successive period of three years, prepare a Statement of Principles that they propose to apply in exercising their functions under the Act and that they must publish that Statement.
- I.6** The current Statement of Principles is due to expire in January 2022 and a new Statement of Principles must be in place by 31<sup>st</sup> January 2022.
- I.7** The Act also states that, in preparing the Statement, the Licensing Authority shall consult with the Police, persons representing persons carrying on gambling businesses and those affected by such businesses.
- I.8** The following amendments have been made to the existing policy:-
  - The policy has been amended and the reference to shared partnership working has been removed so that the draft document is solely for Cotswold District Council
  - The document has been updated with up-to-date legislation references
  - The document has been updated to reflect the response from the Business Manager of the Gloucestershire Children Safeguarding Partnership. The Act states that the Statement must nominate the appropriate responsible authority for the protection of children from harm. The current Statement refers to the Gloucestershire



Children Safeguarding Board but this no longer exists. It is recommended that the Statement should name the Gloucestershire Children Safeguarding Partnership made up of the Gloucestershire County Council, Gloucestershire Clinical Commissioning Group and the Police as the responsible authority for the objective of protecting children from harm

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

## **2. 'NO CASINO RESOLUTION'**

**2.1** The Act was given Royal assent in April 2005. Under section 166 of the Act the Licensing Authority is empowered, if they wish, to make a 'no casino' resolution. This means that, at this time, the Council does not wish to have a casino in its area. This decision has to be reviewed every 3 years. Full Council in 2006 originally resolved not to issue licences to casinos. This decision has been renewed at all reviews since then. The benefit of making a 'no casino' resolution means that any applications for a casino in the Cotswold District area would be determined by Full Council. If a 'no casino' resolution is not renewed and the 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 document at its Meeting on 10 November 2021, and commended the draft reviewed Statement of Principles to Council for approval, without further amendment.

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

## **4. FINANCIAL IMPLICATIONS**

**4.1** There are no financial implications directly associated with this report.

**4.2** The Council receives income through licence fees and sets the fee to recover the cost of carrying out this function.



## **5. LEGAL IMPLICATIONS**

- 5.1** 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.
- 5.2** 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.
- 5.3** Section 349 of the Act requires the Council to advertise and publish the Statement for a period of four weeks before it takes effect.
- 5.4** If the Council approves the Statement and advertises it for the required period prior to publication it will comply with its requirements as above.

## **6. RISK ASSESSMENT**

- 6.1** None.

## **7. EQUALITIES IMPACT**

- 7.1** Not required.

## **8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 8.1** There are no implications arising directly from this report.
- 8.2** The Act is heavily regulated and, at present, there are no requirements for applicants to provide any climate impact assessments as part of their applications. This can be driven by local planning requirements and also by Central Government amending statutory requirements.

## **9. ALTERNATIVE OPTIONS**

- 9.1** None.



## **10. BACKGROUND PAPERS**

**10.1** The following documents have been identified by the author of the report in accordance with section 100 D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Guidance Issued under Section 25 of the Act, Gambling Commission – April 2021
- Statement of Principles, Cotswold District Council - January 2019

These documents will be available for inspection at the Council Offices at Trinity Road, Cirencester, GL7 1PX during normal office hours for a period of up to 4 years from the date of the meeting. Please contact democratic services via [democratic@cotswold.gov.uk](mailto:democratic@cotswold.gov.uk)