

## Bath & North East Somerset Council

MEETING:	Council
MEETING DATE:	8th November 2012
TITLE:	Review of the Council's Statement of Principles under the Gambling Act 2005
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>  Annex A: Responses from consultation including officer comments and recommendations and recommendation from the Licensing Committee.  Annex B: Draft Statement of Principles	

### **1 THE ISSUE**

1.1 This report invites the Council to adopt the draft Statement of Principles ("the Statement") under the Gambling Act 2005 ("the Act") following the conclusion of a consultation exercise.

### **2 RECOMMENDATION**

Council is asked to agree that:

2.1 The Council adopts the Statement of Principles at Annex B.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 The cost of reviewing the Council's existing policy has been borne by officers from Licensing and Legal Services. The majority of the costs have involved staff time, approximately 5 working days in total, but also include the cost of Democratic Services, the public notices and printing the policy. The cost of carrying out this exercise is approximately £8.5k and will be met from the licensing budget.
- 3.2 The Council has the legal responsibility to review its Statement of Principles, under the Gambling Act 2005, every three years dating from January 2007. The fees charged for the licence fees under the Act cover all activities associated with the prescribed duties including the provision and review of the Statement of Principles.

### **4 CORPORATE OBJECTIVES**

- Creating neighbourhoods where people are proud to live
- Building a stronger economy

### **5 THE REPORT**

- 5.1 The Gambling Act 2005 created a system of licensing and regulation for commercial gambling. Amongst other changes, it gave to local authorities new and extended responsibilities for licensing premises for gambling. In some cases (such as gaming machine arcades), those built on existing responsibilities. But in other major areas, including betting, casino gaming and bingo, they transferred to local authorities responsibilities which previously lay with local licensing justices.
- 5.2 Section 349 of the Act requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. The Licensing Authority Statement of Policy lasts for a maximum of three years, but can be reviewed and revised by the authority at any time. The Statement must be produced following consultation with those bodies set out in section 349 of the Act. Regulations made by the Secretary of State, prescribe the form of Statements, and the procedure to be followed in relation to them and their publication.
- 5.3 To assist in this process, the Gambling Commission has issued guidance to Licensing Authorities on the manner in which they are to exercise their functions under the Act and the principles to be applied by them in exercising those functions. Licensing Authorities are required to take account of all such guidance, which was published in April 2006 (and revised in 2007, 2009 and September 2012), when formulating a statement of principles. The Act required that a Licensing Authority must have in place a Statement of Principles by the 31<sup>st</sup> January 2007 and then must review the Statement every three years.
- 5.4 The Council's first Statement was in place for the 31<sup>st</sup> January 2007 and revised in 2009 and 2010. Following legal advice, there was an interim review to include two additional paragraphs ahead of starting the casino application process.

5.5 The draft Statement was sent out for consultation during July and August 2012. A copy of the responses to the consultation exercise, and the comments of officers to the responses, can be seen in Annex A in addition to the comments of the Licensing Committee at the meeting on the 9<sup>th</sup> October 2012.

5.6 At the meeting on the 9<sup>th</sup> October, the Licensing Committee resolved to recommend the revised Statement of Principles to Full Council. A copy of the revised Statement of Principles is reproduced in Annex B

## **6 RISK MANAGEMENT**

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance. The main risk identified is that the revised Statement is not adopted by the Council in time for the January deadline.

## **7 EQUALITIES**

7.1 An Equalities Impact Assessment has been completed. No adverse or other significant issues were found.

## **8 CONSULTATION**

8.1 Ward Councillor; Cabinet Member; Parish Council; Town Council; Local Residents; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer.

8.2 Following the government's guidelines, the draft Statement has been circulated to:-

- the Chief Officer of Police,
- 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 Act.
- A wide range of organisations including voluntary and community organisations working with children and young people, organisations including those that work with people who are problem gamblers, Primary Care Trust and advocacy organisations.

8.3 A letter or e-mail was sent to all of the above with a link to the Council's web site where a copy of the document was made available and, where people did not have access to the internet a hard copy of the document was sent by post.

8.4 The Council's Licensing Committee.

## **9 ISSUES TO CONSIDER IN REACHING THE DECISION**

9.1 Social Inclusion; Customer Focus; Sustainability; Young People; Human Rights.

## 10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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<b>Background papers</b>	Report to the Licensing Committee on the 9 October 2012.  Department of Culture Media and Sport Guidance to Local Authorities – September 2012.  The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006
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