

## Bath & North East Somerset Council

MEETING:	Licensing Committee	
MEETING DATE:	17 October 2018	
TITLE:	Review of the Council’s Statement of Principles under the Gambling Act 2005	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix A: Copy of responses received from the consultation exercise, including officer comments and recommendations		
Appendix B: Copy of proposed Statement of Principles showing the recommended changes following public consultation		

### 1 THE ISSUE

- 1.1 The Gambling Act 2005 (The Act) requires that licensing authorities review their Statement of Principles with regard to gambling every three years. Following the completion of a consultation exercise, the Committee are being asked to consider the responses received, and the officer recommendations, before the proposed Statement of Principles provided in Appendix B is presented to Full Council for adoption.

### 2 RECOMMENDATION

The Licensing Committee is asked to:

- 2.1 Note the responses to the consultation exercise and agree that the officer recommendations should be incorporated into the revised Statement of Principles
- 2.2 Recommend that the draft Statement of Principles, provided in Appendix B, is presented to Full Council for adoption.

### 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The review of the Council's existing policy has been carried out by officers from Licensing and Legal Services. The majority of costs are taken by officer time and all costs are managed within existing budgets through full cost recovery from licensing fees.
- 3.2 The Council has a 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 costs under the Act cover all activities associated with

the prescribed duties including the provision and review of the Statement of Principles.

#### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Gambling Act 2005 created a new 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), this built on existing responsibilities. But in other major areas, including betting, casino gaming and bingo, they transferred to local authority responsibilities which previously lay with local licensing justices.
- 4.2 The new Act came fully into force in September 2007. In preparation, each licensing authority was required to develop, consult on and publish a statement of principles, setting out those principles which the authority proposes to apply in exercising its licensing functions under the Act.
- 4.3 To assist in this process, the Gambling Commission 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 when formulating a statement of principles.
- 4.4 The Guidance stated that the statement will last for a maximum of three years, but can be reviewed and revised by the authority at any time. The current Statement of Principles is due to be reviewed this year so that a revised version can be in place for the 31<sup>st</sup> January 2019. This will be the fourth revision since the Act came fully into force in 2007.

#### **5 THE REPORT**

- 5.1 A public consultation was carried out which lasted for 12 weeks from 20 April to 12 July 2018. The groups and stakeholders specified in Section 8 of this report were either emailed or written to and were asked to comment on the draft policy and asked if they had any suggestion for changes. Reminders were sent on the 8 June and 2 July 2018 respectively. A copy of the responses received from the consultation exercise, together with officer comments and recommendations is provided in Appendix A.
- 5.2 The Committee is being asked to consider the officer recommendations and agree to their inclusion in the revised Statement of Principles.
- 5.3 The Committee is asked to agree the revised Statement of Principles in Appendix B and to recommend that the Statement is submitted to Full Council for their approval and adoption. There is one recommended revision which can be found in bold italics at paragraph 19.2, page 21.

#### **6 RATIONALE**

- 6.1 The rationale for this report stems from a statutory duty on the Council to review its Statement of Principles every three years.

## 7 OTHER OPTIONS CONSIDERED

7.1 None.

## 8 CONSULTATION

8.1 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

8.2 The draft statement was circulated to various organisations and interested parties including:

- Bath Chamber of Commerce
- Business West
- Bath BID
- Chief Constable of Avon and Somerset Police
- Avon Fire and Rescue
- Gambling Commission
- Her Majesty's Revenue and Customs
- Local Safeguarding Children's Board
- Resident's Associations
- Bingo Association
- British Casino Association

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

9.2 An equalities impact assessment has been completed in relation to the statement of principles. This identified that the policy has a positive impact in that premises are required to take steps to protect persons who maybe young (i.e. students) or elderly and who are vulnerable to financial exploitation. An action from the impact assessment is to further promote awareness of gambling issues with bodies such as the B&NES Student Community Partnership and Age UK.

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<b>Background papers</b>	
<b>Please contact the report author if you need to access this report in an alternative format</b>	