

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	8 November 2018
TITLE:	Review of the Council's Statement of Principles under the Gambling Act 2005
WARD:	All
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix A: Copy of responses received from the consultation exercise, including officer comments and recommendations</p> <p>Appendix B: Copy of proposed Statement of Principles showing the proposed changes from the consultation document in bold italics (page 21)</p>	

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, and a recommendation from the Licensing Committee, Council is asked to consider the responses received and the officer recommendations, before adopting the proposed Statement of Principles provided in Appendix B.

2 RECOMMENDATION

- 2.1 The Council adopts the Statement of Principles provided in Appendix B, having had regard to the responses received following the public consultation exercise, as recommended by the Licensing Committee.

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 fees 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 31st January 2019. This will be the fourth revision since the Act came 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 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. In addition, an online questionnaire was made available via the consultation portal on the Council's website. A copy of the responses received from the consultation exercise, together with officer comments and recommendations is provided in Appendix A.
- 5.2 The Licensing Committee has agreed the officer recommendations and their inclusion in the revised Statement of Principles.
- 5.3 The Licensing Committee has recommended that the Statement of Principles attached at Appendix B is presented to Council for adoption.
- 5.4 Council is asked to agree to and adopt the revised Statement of Principles in Appendix B.
- 5.5 The Statement of Principles will be reviewed again in 2021 so that it is in place for 31st January 2022.

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 Licensing Committee has had opportunity to review these documents and have recommended presentation to Council for adoption.

8.3 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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Background papers	
Please contact the report author if you need to access this report in an alternative format	

