

**LICENSING
COMMITTEE**

8th June 2015

GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

Relevant Portfolio Holder	Councillor P. Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ivor Pumfrey – Acting Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Council's current Statement of Principles under the Gambling Act 2005 took effect on 31st January 2013. In accordance with the provisions of the Act, the Council is required to prepare and publish a Statement of Principles every three years. Therefore a new Statement of Principles must be published by 31st January 2016.

As part of the process of preparing a Statement of Principles for the three year period beginning on 31st January 2016, the Licensing Committee are asked to approve a draft revised Statement of Principles for the purpose of consultation with relevant parties.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To approve the revised draft Statement of Principles at Appendix 1 for the purpose of consultation with relevant parties.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation would be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Section 349 of the Gambling Act 2005 requires that the licensing authority produce, consult on and publish a Statement of the Principles that it proposes to apply when exercising its functions under the Act.
- 3.3 The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.
- 3.4 When revising its Statement of Principles, the Council is required to consult with:-
- the Chief Officer of Police for the Authority's area;
 - one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - 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 this Act.

Service / Operational Implications

- 3.5 Bromsgrove District Council is a licensing authority in accordance with the provision of the Gambling Act 2005.
- 3.6 Each licensing authority is required before each successive three year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 3.7 The Council's current Statement of Principles took effect on 31st January 2013 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2016.
- 3.8 There have been no significant changes to the provisions of the Gambling Act 2005 since the last Statement of Principles took effect.
- 3.9 The Gambling Commission is currently carrying out consultation on revised guidance to licensing authorities, but it is not clear when the revised version of this guidance will be published. Given the requirement to prepare and publish a new Statement of Principles by 31st January 2016, the Council cannot wait for publication of the revised guidance before proceeding with this consultation.

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- 3.10 The following minor amendments have been included in the revised draft Statement of Principles.
- 3.11 The population figure for the district has been updated in the introduction. The new figure is taken from the latest census information released by the Office for National Statistics.
- 3.12 Reference to the HM Government Code of Practise on Consultation has been replaced with reference to the Government's published Consultation Principles, which has replaced the former document.
- 3.13 The policy has been updated so it now refers to the Council's strategic purposes as set out in the Council plan rather than the previously identified "key objectives" of the Council.
- 3.14 A section has been included to set out the principles the Council has applied in designating a body which is competent to advise the authority about the protection of children from harm. This is a requirement of current regulations.
- 3.15 A section has been included to explain how the Council would decide whether to pass a resolution not to issue casino premises licences. This is recommended in the Gambling Commission's current guidance to licensing authorities.
- 3.16 The section on enforcement now makes reference to the Regulators' Code, which came into effect in April 2014 and to which the Council must have regard when carrying out its regulatory functions.
- 3.17 The list of consultees has been revised and updated.
- 3.18 Consultation on the revised draft Statement of Principles will take place with all relevant parties including:
- The Chief Officer of West Mercia Police
 - The Gambling Commission
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - Organisations working with people who are problem gamblers
 - Parish Councils
 - The general public

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- 3.19 The consultation will also be made available for comment via the Council's website and publicised via social media and also through the local press. Given the modest number of changes being proposed to the Council's existing Statement of Principles, it is proposed that consultation take place over a period of 8 weeks.
- 3.20 Any responses received during the consultation exercise will be reported back to the Licensing Committee later this year.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Principles by 31st January 2016 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Gambling Act 2005.

5. APPENDICES

Appendix 1 – Revised Draft Statement of Principles

AUTHOR OF REPORT

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