

**LICENSING
COMMITTEE**

9th November 2015

GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

Relevant Portfolio Holder	Councillor Peter Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes - 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 this process, consultation on a draft Statement of Principles for the three year period beginning on 31st January 2016 has been undertaken and the Licensing Committee are asked to consider the responses and recommend to Council that the draft revised Statement of Principles be approved and published.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To recommend to Council that the revised draft Statement of Principles at Appendix 2 be approved and published.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation were 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 On 8th June 2015 the Licensing Committee approved a draft revised Statement of Principles for the purpose of consultation with relevant parties.

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- 3.10 Consultation on the revised draft Statement of Principles took place between 19th June 2015 and 31st August 2015 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
- 3.11 The consultation was also be made available for comment via the Council's website and publicised via social media and also through the local press.
- 3.12 During the consultation period two responses were received, one from Wythall Parish Council and one from the Gambling Commission.
- 3.13 Wythall Parish Council confirmed that they did not have any adverse comments to make on the draft revised Statement of Principles.
- 3.14 The response from the Gambling Commission can be seen at Appendix 1. The suggestions from the Commission have led to some changes being incorporated into the draft revised Statement of Principles at Appendix 2.
- 3.15 The first of these is the inclusion of a new section that sets out the Council's intention to develop a "Local Area Profile" in partnership with the other licensing authorities in Worcestershire and other relevant stakeholders.
- 3.16 Another new section has been included in the draft statement in order to provide guidance to operators on the matters the Council believes they should consider when compiling their own local risk assessments, which will be a requirement from April 2016.
- 3.17 Finally additional paragraphs have been added to provide more details in relation to the way the Council will approach its enforcement and compliance roles under the Gambling Act 2005.
- 3.18 Members of the Committee are asked to consider the responses and recommend to Council that the draft revised Statement of Principles at Appendix 2 be approved and published.

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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 – Response from Gambling Commission
Appendix 2 – Revised Draft Statement of Principles

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