

GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

Relevant Portfolio Holder	Councillor P J 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 2016. 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 2019.

As part of the process of preparing a Statement of Principles for the three year period beginning on 31st January 2019, the Licensing Committee are now 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 shown 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 2016 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2019.
- 3.8 Whilst there have been no significant amendments to the provisions of the Gambling Act 2005 itself since the last Statement of Principles took effect, there have been changes made to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that licensed operators have to comply with. The Gambling Commission has also updated its Guidance to Licensing Authorities (GLA).
- 3.9 These changes have been taken into account by officers when preparing the draft Statement of Principles that can be seen at **Appendix 1**.
- 3.10 Officers also considered that the Statement of Principles needed to be enhanced with more comprehensive information included on how the Council will approach its role and responsibilities in relation to the various permits and small society lotteries that it is responsible for administering and monitoring.

- 3.11 The amendments that have been made in the draft Statement of Principles are shown by way of “track changes” within the document at **Appendix 1** and the more significant changes that have been made are also summarised below.
- 3.12 A new section has been included that provides information on the Gambling Commission and its responsibilities.
- 3.13 The draft Statement has been updated to reflect the fact that when it is published in January 2019, a Local Area Profile will have been finalised and will be available for gambling operators to have regard to when completing their own local risk assessments.
- 3.14 The draft Statement now includes a section recognising the links between Public Health and gambling-related harms and how the Council would like to work together in partnership with the local Public Health team to try and better understand and address gambling-related harms in the area.
- 3.15 The draft Statement now includes sections that set out in much more detail how the Council will approach its functions under the Act in relation to gambling activities in clubs and alcohol licensed premises.
- 3.16 The draft Statement now includes sections that set out how the Council will approach its role in relation to the issuing and monitoring of Unlicensed Family Entertainment Centre Permits and Prize Gaming Permits.
- 3.17 The draft Statement also now includes a greatly expanded section on lotteries and how the Council will approach its role and responsibilities in relation to the registration and monitoring of Small Society Lotteries.
- 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
 - Public Health
 - Organisations working with people who are problem gamblers
 - Parish Councils
 - The general public

- 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 number of changes being proposed to the Council's existing Statement of Principles, it is proposed that consultation take place over a period of 10 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 2019 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 – Draft Revised Statement of Principles

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