

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.

On 12th March 2018, the Licensing Committee approved a draft revised Statement of Principles for consultation purposes. The results of the consultation are now being reported back to the Committee who are asked to 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 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 On 12th March 2018, the Licensing Committee approved a draft revised Statement of Principles for consultation purposes.
- 3.10 Consultation on the revised draft Statement of Principles took 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
 - The Public Health Team at Worcestershire County Council
 - 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 The consultation exercise began on the 3rd May 2018 and remained open for comments until 27th July 2018.
- 3.13 There were three substantive responses received during the consultation from the Public Health Team at Worcestershire County Council, Dodford Parish Council and from a consultant that works for a gambling premises operator who has premises in the licensing authority's area.
- 3.14 The Public Health Team has requested some minor changes to the wording contained in the part of the Statement of Principles relating to Public Health and Gambling in order to provide a firmer commitment to engagement with them in this area. The changes they requested have been incorporated into the draft revised Statement of Principles shown at **Appendix 2**.
- 3.15 In their response, Dodford Parish Council recommended restrictions are placed on the number of betting shops in Bromsgrove High Street as this could be ruining the character of the town. However, it is not possible to impose such restrictions under the Gambling Act 2005 and every application has to be determined on its own merits.
- 3.16 The response from the consultant can be seen at **Appendix 1**. In response to the first point raised, the revised Statement of Principles has been amended to clarify that when an applicant for an unlicensed family entertainment centre is a limited company, a Basic Disclosure certificate will need to be supplied in respect of each director of the company concerned.
- 3.17 In response to the second point raised by the consultant, officers do not believe that the wording in section 10 of the draft revised Statement of Principles implies gambling premises are inappropriate in town centres. This section simply sets out some of the matters that the licensing authority would expect gambling operators to consider when carrying out their own local risk assessments.

3.18 The draft revised Statement of Principles is also clear that in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives

3.19 Members of the Committee are now asked to consider the responses and recommend to Council that the draft revised Statement of Principles at **Appendix 2** be approved and published.

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 – Consultation Response from Consultant

Appendix 2 – Draft Revised Statement of Principles

AUTHOR OF REPORT

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