

REPORT TO COUNCIL

Report No. 11

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| Date of Meeting | 5 TH September |
| Title of Report | Gambling Act 2005 - Statement of Principles |
| Link to Corporate Priorities | None |
| Public Report | YES |

Summary of Report

The Report asks Council to consider a draft Statement of Principles to be applied under the Gambling Act 2005.

Officer Recommendations

- 1.1. That Council approves the issue of the attached draft Statement of Principles (Appendix 1) for consultation.
- 1.2. That, following consultation, the Statement of Principles be the subject of a report for approval by Council.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

| Financial Implications | Legal Implications | Community & Environmental Implications | Human Resources Implications | Equality & Diversity Implications |
|------------------------|--------------------|--|------------------------------|-----------------------------------|
| YES | YES | YES | NONE | YES |

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1. Introduction

- 1.1. For Council to consider a draft Statement of Principles to be applied under the Gambling Act 2005

2. Recommendations

- 2.1. ***That Council approves the issue of the attached draft Statement of Principles (Appendix 1) for consultation.***
- 2.2. ***That, following consultation, the Statement of Principles be the subject of a report for approval by Council.***

3. Background Information

- 3.1. The Gambling Act 2005 makes District Council Licensing Authorities responsible for the issue of gambling premises licences and for casinos, Bingo premises, betting premises, adult gaming centres together with club gaming machine permits and dealing with temporary use notices and occasional use notices.
- 3.2. The major part of the Gambling Act comes into force on 30 January 2007 (the First appointed Day). At least one month prior to that date the Council is required to publish a Statement of Principles that they propose to apply in exercising their functions under the Act for the following three years.
- 3.3. Regulations made under Section 349 of the Act lay down the form that the Statement of Principles is required to take. The Licensing Authority is also required to take into account guidance issued by the Gambling Commission when preparing its Statement of Principles. Within the constraints of the Regulations and Guidance the Licensing Authority has discretion to determine:-
 - a) the principles to be applied when deciding who is the competent body to advise it on child protection matters.
 - b) the principles to be applied when determining whether or not a person is an interested party (and therefore eligible to make a representation or request a review).
 - c) the principles to be applied when determining inspection and enforcement protocols for gambling premises.
- 3.4. The Gambling Commission published its guidance to Licensing Authorities on the 1st May this year. The guidance on Statement of Licensing Policy is of limited assistance and, in places, contradicts the legislation. Nevertheless, full regard has been had to this guidance in drawing up the draft Statement of Principles.
- 3.5. Members will be aware that in drawing up Licensing Policies under the Licensing Act 2003, some Licensing Authorities adopted a minimum requirement approach and others adopted a 'cover all possible eventualities' approach. This Council was firmly at the 'minimum requirement' end of the spectrum, an approach which has, thus far, proved to be very wise.
- 3.6. A similar approach has been adopted with this Statement of Principles. All that is required is a set of Statements outlining how the Licensing Authority will make the decisions that it has the discretion to make. There is no requirement for extensive repetition of that which is already in the legislation and guidance nor is there any need for overly detailed explanation of what will be done in any particular circumstances.
- 3.7. If Council accepts the recommendation then the Statement of Principles will be published and responses sought by advertising the availability of the Statement at Council Offices, on the Council website and in local libraries. The Statement will also be sent to each of the Statutory Consultees and responsible authorities for consultation. The consultation period will end on 13th October 2006.

- 3.8. The administrative provisions of the Gambling Act 2005 are delegated to the Licensing Committee, but delegation of the preparation and publication of the Statement of Principles is specifically prohibited.

4. Financial Implications

- 4.1. The cost of publishing and advertising the Statement of Principles will be met from within the existing budget.
- 4.2. The fee levels for licences, permits and notices are yet to be determined by Her Majesty's Government, but should be set at levels significant to cover the cost of administration of the Act.

5. Community and Environmental Implications

- 5.1. The Statement of Principles will be a key element in the Council's decision making process which may have significant community implications. The environmental implications of this report will be determined by the demand for premises licences under the Gambling Act 2005.

6. Equal Opportunities/Human Resources implications

- 6.1. The anticipated workload of the Gambling Act 2005 can be met within the existing resources of the Licensing Section of the Environmental Health Team and there are, therefore, no expected Human Resource or Equal Opportunity implications.

7. Legal Implications

- 7.1. The adoption of a Statement of Principles is a statutory requirement under the Gambling Act 2005. This statement has been prepared to meet the requirement of the legislation including guidance issued.

8. Risk Analysis

- 8.1. There are no major risks associated with this decision.

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| Appendices: | Appendix One - North Wiltshire District Council Statement of Principles |
| Background Documents Used in the Preparation of this Report: | None |

Previous Decisions Connected with this Report

| Report | Committee & Date | Minute Reference |
|---------------|-----------------------------|-------------------------|
| None | | |