

REPORT TO COUNCIL

Report No. 9

Date of Meeting	5 th December 2006
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 adopt a Statement of Principles to be applied under the Gambling Act 2005.

Officer Recommendations

That Council adopts the attached Statement of Principles (Appendix 1).

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	NONE

Contact Officer

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1. Introduction

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

2. Options and Options Appraisal

- 2.1. That Council approves the attached Statement of Principles.
- 2.2. That the Council does not approve the attached Statement of Principles.

3. Background Information

- 3.1. The Gambling Act 2005 makes District Councils Licensing Authorities. As such, they are responsible for the issue of gambling premises licences for casinos, bingo premises, betting premises and adult gaming centres. They are also responsible for issuing 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.
- 3.5. The Council approved a draft Statement of Principles on 5th of September. The draft was then sent to each of the consultees listed in the Statement of Principles attached as Appendix 1 to this report. It was also published on the Council web-site and sent to anyone who requested a copy. The consultation period ended on 17th November 2006.
- 3.6. The administrative provisions of the Gambling Act 2005 are delegated to the Licensing Committee, but delegation of the approval of the Statement of Principles is specifically prohibited.
- 3.7. Responses to the consultation were received from 1 individual and 2 organisations and these are attached as Appendix 2.
- 3.8. Appendix 3 summarises the responses received and the officer opinion of how the responses should be addressed.
- 3.9. Once approved, the Licensing Authority is required to advertise its Statement of Principles.

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 Secretary of State at DCMS has recently published draft fee levels for licences to be issued under the Gambling Act. It is anticipated that the final fee levels set will be sufficient to cover the costs of administration and enforcement of the Act. The fees consultation is the subject of a separate report to Council.

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. The Council is required to approve and publish its Statement of Principles by the end of 2007. Failure to do so would leave the Council open to legal challenge.

Appendices:	Appendix 1 - North Wiltshire District Council Statement of Principles Appendix 2 - Responses to Consultation Appendix 3 - Summary of Responses and Officer opinion
Background Documents Used in the Preparation of this Report:	Minutes of Council 5/9/06 Gambling Act 2006 Gambling Commission Guidance to Local Authorities Responses to Consultation on Draft Statement

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
Draft Statement of Principles	Council 5 September 2006	C44 & Appendix 1