

**Report To:** County Council

**Date of Meeting:** 4<sup>th</sup> December 2012

**Lead Member / Officer:** David Smith

**Report Author:** Graham Boase, Head of Planning and Public Protection

**Title: Review of Gambling Act 2005 Statement of Principles**

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**1. What is the report about?**

- 1.1 The Council is the licensing authority for the purposes of the Gambling Act 2005. Section 349 of the Act requires the licensing authority to prepare a statement of principles that it proposes to apply in exercising its functions under the Act. The statement applies for three years after which it must be reviewed and a new statement published and agreed by Full Council.
- 1.2 For Members to agree a Statement of Principles that sets out how the Council will regulate and control gambling activities within the County for the next three years. There are no significant changes proposed to the existing statement of principles, i.e. it is a matter of endorsing the statement for a further 3 years.

**2. What is the reason for making this report?**

- 2.1 At a meeting of the Licensing Committee on 19<sup>th</sup> June 2012 Members approved the draft Statement of Principles for public consultation purposes. This report sets out the results of the consultation exercise.
- 2.2 Section 349 of the Gambling Act 2005 is mandatory and requires the licensing authority to prepare their statement of principles and publish it "before each successive period of three years". This has to be a decision of Full Council as section 154(1)(c) makes it clear that this cannot be delegated by the licensing authority.
- 2.3 A decision is required to approve the Statement of Principles as set out at Appendix 1.

**3. What are the Recommendations?**

- 3.1 That the Statement of Principles for the Gambling Act 2005, as set out in Appendix 1 to this report, be adopted.
- 3.2 That, as part of its consideration of the draft Statement of Principles, Members reaffirm not to issue casino premises licence. However, this issue be reviewed by Licensing and Regeneration Officers as soon as possible, as part of the corporate economic ambition priority.

#### **4. Report details.**

- 4.1 The Policy will come into effect on 31 January 2013.
- 4.2 The Council must also ensure that they comply with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006). These regulations govern the form statements must take, the procedure to be followed in relation to the preparation, review or revision of statements and the publication of statements.
- 4.3 These regulations require that a Statement is published by being made available for a period of at least 4 weeks before the date on which it will come into effect.
- 4.5 The Act allows for a local authority to take a policy decision as to whether or not to allow applications to be made for casinos. The existing statement does not allow applications for casinos. The intention is to revisit this issue as soon as possible with any changes brought back to Council for a formal resolution.
- 4.6 No material changes were deemed necessary at the time of reviewing the Statement of Principles, and the only amendments were in line with changes in legislation and guidance. Hence the recommendation, subject to minor changes, is to adopt the Statement for another 3 years.

#### **5. How does the decision contribute to the Corporate Priorities?**

- 5.1 The policy will contribute to economic growth/developing the economy/protection of vulnerable people by regulating the gambling sector in the county

#### **6. What will it cost and how will it affect other services?**

- 6.1 An Equality Impact Assessment has been carried out.
- 6.2 The cost of carrying out this review has been carried out of existing licensing budgets

#### **7. What consultations have been carried out?**

- 7.1 The Gambling Act requires consultation on the revisions of the Statement of Principles to be carried out with the Police and other Responsible Authorities under the Act, one or more persons who appear to represent the interests of persons carrying on gambling businesses in the area and one or more persons who appear to represent the interests of persons likely to be affected by the exercise of the authority's functions under the Act.
- 7.2 In accordance with the statutory requirements set out above, Officers have consulted with:
  - (a) The Gambling Commission
  - (b) North Wales Police
  - (c) North Wales Fire and Rescue Service
  - (d) The Planning Authorities
  - (e) Environmental Health

- (f) Health and Safety
- (g) Trading Standards
- (h) Children Services
- (i) Her Majesties Revenue and Customs
- (j) All of the companies and individuals who hold gambling premises licences issued for premises in the County

7.3 A copy of the draft policy has been placed on the Council's website.

7.4 The initial consultation period ran from 20<sup>th</sup> July 2012 to 1<sup>st</sup> September 2012 but an anomaly was noticed by Officers. Officers therefore felt that the consultation exercise should be repeated to all consultees. The second consultation period ran from 15<sup>th</sup> October 2012 to the 9<sup>th</sup> November 2012.

7.5 As a result of both consultations the Council received **no** responses to the revised Statement of Principles. This was anticipated due to the fact that there was no material change to the existing Statement of Principles.

## **8. Chief Finance Officer Statement**

There are no obvious financial implications contained in the report

## **9. What risks are there and is there anything we can do to reduce them?**

9.1 Failure to publish a revised Statement of Principles within the required timescale would leave the Council in breach of its statutory obligations.

## **10. Power to make the Decision**

10.1 Section 349 of the Gambling Act 2005