

REPORT FOR DECISION

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	3rd December 2015
SUBJECT:	GAMBLING ACT 2005 – TRIENNIAL POLICY REVIEW
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The Gambling Act 2005 Section 349 requires the Local Authority to prepare and publish a Statement of Principles at least every three years. The existing statement was agreed by Council on 12 th December 2012
OPTIONS & RECOMMENDED OPTION	<p>The statement as presented can be accepted, amended or rejected but to comply with the statute a revised statement has to be agreed by Council on 9th December 2015.</p> <p>It is recommended that the statement be accepted without major amendment. Widespread consultation has not revealed any major problems with the existing statement.</p>
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	If the Authority does not have a revised statement in place by the 31 st January 2016 it will not be able to fulfil it's duties under the Act
Statement by Executive Director	The revenue budget includes provision for expenditure and income associated the

of Resources:	gambling activities covered by the statement. The proposed changes to the statement are not anticipated to result in any significant change to resource requirements
Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	The Council must comply with the Gambling Act 2005 and the guidance issued to Local Authorities which require the Council to have a Statement of Principles and to carry out a review of this policy at least every three years. Such a review has been carried out and the result of the review is that the policy has been amended.
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 The Gambling Act 2005 requires the Authority to prepare and publish a Statement of Principles prior to carrying out functions under the Act. The policy has to be reviewed at least every three years.
- 1.2 The Statement of Principles must be published by the 3 January 2016 being 28 days before the current Statement ceases to have effect on the 31 January 2016.
- 1.3 The Act is based on the promotion of 3 licensing objectives:
 - a) preventing gambling from being a source of crime and disorder
 - b) ensuring that gambling is conducted in a fair and open way and
 - c) protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 The Act provides that Authorities should aim to permit gambling in so far as they think it:
 - a) in accordance with issued codes of practice

- b) in accordance with guidance issued by the Gambling Commission
- c) reasonably consistent with the licensing objectives; and
- d) in accordance with their Policy Statement

2.0 ISSUES

- 2.1 In preparing the Statement of Principles the Authority has to have regard to codes of practice and guidance issued by the Gambling Commission
- 2.2 A copy of the amended Statement of Principles is attached at Appendix 1.
- 2.3 If the Statement of Principles is not agreed by Council and published by the 3 January 2016 the Authority will not have fulfilled the statutory requirements of the Act and Regulations.
- 2.4 An Equality Impact Assessment has been completed and the Statement of Principles is considered to be largely neutral in impact.

3.0 CONSULTATION

- 3.1 The consultation has been in accordance with Cabinet Office guidelines which require a twelve week period for public consultation.
- 3.2 The Act requires consultation with a number of statutory defined consultees.
- 3.3 The consultation has been also been made available on the Council's website.

4.0 CONCLUSION

- 4.1 The Statement of Principles as been in existence for three years and to date has not been challenged formally or informally.
 - 4.2 Two responses have been received during the consultation from the Bingo Association and the Association of British Bookmakers. The responses and the table of replies are attached at Appendix 2.
 - 4.3 The policy statement can be reviewed at any time during the three year cycle to take account of emerging issues.
 - 4.4 The Authority is required to have a Statement of Principles and it must be published prior to the 3rd January 2016, otherwise the Council will be acting unlawfully.
 - 4.5 For the Statement of Principles to be agreed by that date it will need to be placed before Council at the 9th December 2015 meeting if a special Council meeting is to be avoided.
-

List of Background Papers:-

Appendix 1 – Copy of amended Statement of Principles

Contact Details:-

Mr M. Bridge
Licensing Unit Manager
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Email: m.bridge@bury.gov.uk