

Cheltenham Borough Council
Cabinet – 15 September 2015
Gambling Act 2005 Statement of Principles

| | |
|---------------------------------|---|
| Accountable member | Councillor Andy McKinlay, Cabinet Member Development and Safety |
| Accountable officer | Mike Redman, Director of Environment and Regulatory Services |
| Ward(s) affected | All |
| Key/Significant Decision | No |
| Executive summary | <p>The Gambling Act 2005 requires that the council produce, consult on and publish a statement of the principles that they propose to apply when exercising their functions under the Act.</p> <p>The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.</p> <p>Cheltenham Borough Council published its existing Statement of Principles in October 2012.</p> <p>The Statement is now due to be reviewed and a new Statement of Principles will need to be published to take effect no later than January 2016.</p> |
| Recommendations | <p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Note the proposed changes to the Statement of Principles; and 2. Approve the attached revised draft of the three year Statement of Principles for the purpose of consultation with all relevant parties; and 3. Subject to no substantive amendments being made following consultation, recommend to Council adoption of the revised Statement of Principles. |

| | |
|-------------------------------|--|
| Financial implications | <p>There are no financial implications arising from this report.</p> <p>Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 264125</p> |
| Legal implications | <p>As mentioned in the report.</p> <p>Contact officer: Vikki.fennell@teWKesbury.gov.uk, 01684 272015</p> |

| | |
|--|--|
| HR implications (including learning and organisational development) | No specific HR implications as a result of this report. Contact officer: Richard Hall – HR Business Partner, Richard.hall@cheltenham.gov.uk, 01242 77 4972 |
| Key risks | As identified in Appendix 1 |
| Corporate and community plan Implications | Cheltenham has a strong and sustainable economy Communities feel safe and are safe. |
| Environmental and climate change implications | None |
| Property/Asset Implications | None Contact officer: David Roberts@cheltenham.gov.uk |

1. Background

- 1.1 Cheltenham Borough Council is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.
- 1.2 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.
- 1.3 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:
 - on the Authority's website, and
 - for public inspection in one or more public libraries or other premises in the Borough such as the Council Offices.
- 1.4 The Commission has published guidance to licensing authorities and the council has a statutory obligation to have regard to this guidance.
- 1.5 The revised draft Statement of Principles attached at **Appendix 2** takes account of changes made to the Commission's guidance since the council's last Statement of Principles was published.

Proposed Changes

- 1.6 Proposed changes to the policy are (apart from a general reorganisation):
 - Reference to the revised "Probity in Licensing Guide" (page 5)
 - Inclusion of the new code provision of 10.1.2 under the revised Licence Condition Codes of Practice (page 13)
 - Updated list of consultees (Appendix A)
 - Removal of "Glossary of Terms". Due to regular legislative and guidance changes, technical terms change over the life of the statement or become redundant which has caused difficulty.
 - Inclusion of a list of organisation officer help and advice to problem gamblers (Appendix D)
 - Updated list of responsible authorities (Appendix B)
 - Updated table of "Maximum Stake and Maximum Prize by Category of Machine" (Appendix E)
- 1.7 Members will note that the changes that have been made are minimal mainly due to the fact that, locally, gambling premises and their regulation do not cause many issues (compared for example to other licensed premises) and the growth of gambling locally has been very slow.
- 1.8 Put into context, in 2009 there was 1 track licence, 2 licensed adult gaming centres, 1 licensed bingo hall and 16 licensed betting premises. In 2015, there is 1 track licence, 1 licensed adult gaming centre, no bingo halls and a slight increase in licensed betting premises to 18.

Publication Requirements

- 1.9** Due to the publication and advertising requirements, Council will need to approve and publish a revised Statement of Principles no later than December 2015 and therefore will need to agree the revised Statement of Principles at the Council meeting on 14th December 2015.
- 1.10** The council should carry out the consultation with regard to the Government's Code of Practice on Consultation which recommends that consultations should last at least 12 weeks. Therefore it is important that consultation on the revised Statement of Principles begins this summer to allow sufficient time for a full and effective exercise to be carried out.

2. Reasons for recommendations

- 2.1** To ensure Cheltenham Borough Council can effectively meet their obligations under the Gambling Act 2005 in relation to reviewing the Statement of Principles.

3. Alternative options considered

- 3.1** The council can readopt its existing policy without making any changes but this is not advisable due to the changes in law and practice since the Statement's last adoption.
- 3.2** The council can also resolve not to approve the policy for consultation. This too is not recommended due to the fact that the policy review was properly undertaken by officers and in doing so the council will miss the statutory deadline for publication.

4. Consultation and feedback

- 4.1** When reviewing 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.
- 4.2** The Council must also advertise the publication of the reviewed Statement of Principles by publishing a notice on its website and in one or more of the following places:
- a local newspaper circulating in the area covered by the statement,
 - a local newsletter, circular, or similar document circulating in the area covered by the statement,
 - a public notice board in or near the principal office of the authority,
 - a public notice board on the premises of public libraries in the area covered by the statement.

| | |
|----------------------|---|
| Report author | Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk, 01242 26 4217 |
|----------------------|---|

| | |
|-------------------------------|--|
| Appendices | <ol style="list-style-type: none"> 1. Risk Assessment 2. Draft Statement of Principles 3. Breakdown of proposed changes |
| Background information | <ol style="list-style-type: none"> 1. Draft Statement of Principles – Adopted 2012 2. Gambling Act 2005 3. Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006) 4. Guidance to Licensing Authorities 4th Edition (October 2012) |

| The risk | | | | Original risk score (impact x likelihood) | | | Managing risk | | | | |
|---|--|-----------------------|-------------|--|----------------|-------|---------------|-------------------------------------|----------|---------------------|------------------------------|
| Risk ref. | Risk description | Risk Owner | Date raised | Impact 1-5 | Likelihood 1-6 | Score | Control | Action | Deadline | Responsible officer | Transferred to risk register |
| | <p>Failure to publish a revised Statement of Principles within the required timescale would leave Cheltenham Borough Council in breach of its statutory obligations.</p> <p>This could lead to legal challenges, costs to the council and adversely affect the council's reputation.</p> | Licensing Team Leader | Sept. 15 | 2 | 4 | 8 | Accept | Approve statement for consultation. | Sept. 15 | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| <p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p> | | | | | | | | | | | |