

26 NOVEMBER 2015

- **REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITIES AND PUBLIC HEALTH**

REVISED GAMBLING ACT 2005 STATEMENT OF PRINCIPLES 2016 - 2019**EXEMPT INFORMATION**

NIL.

PURPOSE

To endorse the revised statement of principles following the consultation between 1 August 2015 -31 October 2015 and the comments from Licensing Committee on 12 November 2015. The comment received from Licensing Committee was that Tamworth Borough Council will promote socially responsible gambling and where possible prevent problem gambling.

It is a requirement of the Gambling Act 2005 that the Council publishes a revised Statement of Principles in respect of the requirements of the Act by 1 January 2016.

RECOMMENDATIONS

That Cabinet endorses the Statement of Principles and recommends them to Council at the meeting on the 15th December 2016.

EXECUTIVE SUMMARY

Section 349 of the Gambling Act 2005 requires Tamworth Borough Council, as a licensing authority, prepare and publish a Statement of Principles every three years. The Council's Statement of Principles is due for revision by January 2016. The Statement will last for a 3 year period but may be reviewed at any time prior to this by the authority.

In response to this requirement a revised Statement of Principles has been prepared and is included at **Appendix 1** of this report. There are substantive revisions identified at **Appendix 2** following a 3 month consultation period from 1 August – 31 October 15 that generated comments at **Appendices 3-8**.

It is a further requirement of the Act that the revised Principles must be approved at a full meeting of full Council. It is acknowledged that under existing gambling legislation, councils have very limited powers to restrict the opening of gambling premises even if they believe that their local areas are already saturated with them. Therefore, Tamworth Borough Council will make full use of the range of tools at our disposal in relation to gambling regulation, recognising that our responsibilities go much wider than just betting shops and overall numbers of gambling premises.

RESOURCE IMPLICATIONS

The majority of fees chargeable are fixed at national level with the remainder set by individual authorities, it is intended that maintenance of the service will be met from within existing resources.

LEGAL/RISK IMPLICATIONS

The publishing of a Statement of Principles is a legal obligation of the Council.

Community Safety - (Crime and Disorder Act 1998). The objectives of the Gambling Act seek to ensure that communities are protected from unfair trading, crime and disorder and that vulnerable people and children are not exploited in any way by gambling.

Equality & Diversity – The impact of these proposals is assessed as ‘low’ against the Council statutory responsibilities.

Safeguarding - One of the key objectives of the Gambling Act 2005 is ‘Protection children and other vulnerable persons from being harmed or exploited by gambling. Tamworth Borough Council’s Child Protection Team, are a Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health – The Licensing and Public Health teams work together within the council to ensure that the health impacts of Gambling are considered. With the Commissions proposed changes which offer Licensing Authorities the opportunity to carry out local area profiles, which will draw data about risk from a number of bodies including public health or to require operators to carry out their own premises risk assessments, Public Health will have a greater role in ensuring the vulnerable are better protected.

Reputation – The implementation and enforcement of the Gambling legislation will enhance the Council’s reputation. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Tamworth Borough Council in a position of being unable to undertake its statutory responsibilities and functions under the Act.

SUSTAINABILITY IMPLICATIONS

The services for the regulation of Gambling contribute to the strategic priority of being healthier and safer in Tamworth.

BACKGROUND INFORMATION

1. Guidance to Licensing Authorities, Gambling Commission March 2015. <http://www.gamblingcommission.gov.uk/pdf/GLA5---March-2015.pdf>
2. Licensing, compliance and enforcement under the Gambling Act 2005: policy statement <http://www.gamblingcommission.gov.uk/pdf/licensing-compliance-and-enforcement-policy-statement.pdf>

Appendices

1. Appendix 1 - Revised Statement of Principles 2016 - 2019.
2. Appendix 2 – Summary of Revisions 2016 - 2019.
3. Appendix 3 – Elected member comment dated 11 Aug 15.
4. Appendix 4 – Elected member comment dated 22 Aug 15.
5. Appendix 5 – Campaign for fairer gambling dated 4 Sep 15.
6. Appendix 6 – Planning and Regeneration dated 7 Oct 15.
7. Appendix 7 – Coral Racing Response dated 26 Oct 15.
8. Appendix 8 – Gosschalks Solicitors Response dated 30 Oct 15.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head Of Environmental Health. Ext 437"

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