
Statement of Principles – Gambling Policy

Executive Member(s): Councillor Federica Smith-Roberts – Lead Member for Housing, Communities and Culture

Local Member(s) and Division: Licensing and Regulatory Committee Chair – Councillor Simon Carswell

Lead Officer: Alan Weldon – Licensing and Fraud Manager

Author: Alan Weldon – Licensing and Fraud Manager

Contact Details: alan.weldon@somerset.gov.uk – 01278 436452

1. Summary / Background

- 1.1 Somerset Council is a Licensing Authority as determined by Section 2 of the Gambling Act 2005 (the Act). Section 349 of the Act requires the Licensing Authority to determine a Statement of Principles describing how it will deal with matters pertaining to the Act. The statement represents a policy document and must be reviewed as necessary at intervals of at least three years. Today's report details the next step in the necessary process, following a period of public consultation in advance of adoption by Full Council.

- 1.2 The Statement of Principles is a key tool for the Licensing Authority to set out its priorities and objectives relating to gambling, with a strong consideration of local issues and risks in relation to the land-based regulatory responsibility placed upon it. Furthermore, the policy document is intended to offer guidance to businesses when considering making applications in Somerset.

The draft Statement of Principles previously approved by Committee is attached as Appendix A. Consultation has since taken place over a 7-week period, resulting in 13 responses being received. These responses are shown in Appendix B along with Officer recommendations for consideration by the Committee.

2. Recommendations

- 2.1 The Committee is asked to consider the consultation comments made regarding the Gambling Policy, recommend any amendments, and recommend the final draft of the Policy for approval by Full Council. This policy (Statement of Principles) is for approval of a non-executive function and can, therefore, only be exercised by Full Council.

3. Reasons for recommendations

- 3.1 There is a legal requirement that each Licensing Authority has in place a Statement of Principles.

4. Other options considered

- 4.1 Not applicable. This is a statutory requirement.

5. Links to Council Vision, Business Plan and Medium-Term Financial Strategy

- 5.1 Not applicable. This is a statutory requirement.

6. Financial and Risk Implications

- 6.1 There are no direct financial implications arising from approving this report. The Licensing Authority must have a Statement of Principles in place by legislative requirement.

7. Legal Implications

- 7.1 The Gambling Act 2005 requires the Council to determine and publish its Gambling Policy every three years. Before determining its Gambling Policy, the Council is required to consult the statutory consultees set out in the Gambling Act 2005.

8. HR Implications

- 8.1 None.

9. Other Implications:

10. Equalities Implications

10.1 Pursuant to the Equalities Act 2010, it is required to consider the need to:

- eliminate discrimination, harassment, victimisation, and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- fostering good relations between people by tackling prejudice and
- promoting understanding.

To comply with the general duty the Council must assess the impact of equality in making decisions, policies, and practices. In doing so proposals can be developed that consider the impacts on all members of the community.

In making decisions the authority must consider the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage, and civil partnership status in coming to a decision.

In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act.

11. Community Safety Implications

11.1 The role of the Licensing Authority includes regulation of gambling operators within its boundaries regarding operational compliance with the licensing objectives specified in the Act. One of these objectives is "protecting children and other vulnerable persons from being harmed or exploited by gambling". Strong and robust assessments of local risks will, therefore, protect members of the Community who may be at risk of suffering from gambling related harm.

12. Climate Change and Sustainability Implications

12.1 None.

13. Health and Safety Implications

13.1 None.

14. Health and Wellbeing Implications

14.1 The entry under “Community Safety Implications” above equally applies to this section. The consultation process has, however, allowed health and welfare related agencies an opportunity to respond and for any comments to be taken into consideration by this Committee following the closure of the consultation period.

15. Social Value

15.1 Not applicable. This is a statutory requirement.

16. Scrutiny comments / recommendations:

16.1 Not applicable. This is a statutory requirement.

17. Background Papers

17.1 Not applicable. This is a statutory requirement.

Appendices

Appendix A – Draft Gambling Statement of Principles.

Appendix B – Consultation responses & Officer recommendations.