



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and Date of Committee	LICENSING COMMITTEE – 19 NOVEMBER 2024
Subject	<b>GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (POLICY) REVIEW 2024</b>
Wards Affected	ALL
Accountable Member	Councillor Duncan Enright – Deputy Leader and Executive Member for Finance Economic Development Email: <a href="mailto:duncan.enright@westoxon.gov.uk">duncan.enright@westoxon.gov.uk</a>
Accountable Officer	Jon Dearing – Assistant Director, Resident Services. Email: <a href="mailto:jon.dearing@westoxon.gov.uk">jon.dearing@westoxon.gov.uk</a>
Report Author	Mandy Fathers – Business Manager, Environmental, Welfare and Revenue Services. Email: <a href="mailto:mandy.fathers@westoxon.gov.uk">mandy.fathers@westoxon.gov.uk</a>
Purpose	The report details the proposed revisions to the Council’s Statement of Principles (Gambling Act 2005), based on legislative requirements, statutory guidance and any amendments following public consultation.
Annexes	Annex A – Draft Statement of Principles
Recommendations	That the Committee considers the draft Statement of Principles and recommends to Full Council to: 1. Approve the Statement of Principles; and 2. Agree that the Council continues to adopt a “no-casino resolution” for inclusions in the published Gambling Act 2005 Licensing Policy Statement.
Corporate Priorities	<ul style="list-style-type: none"><li>• Putting Residents First</li><li>• Working Together for West Oxfordshire</li></ul>
Key Decision	YES
Exempt	NO
Consultees/ Consultation	Chief Executive, Chief Finance Officer, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Interim Executive Director, Interim Managing Director. Consultation with Licensees and Partner Authorities

## **I EXECUTIVE SUMMARY**

- 1.1 Section 349 of the Gambling Act 2005 (the “Act”) requires licensing authorities before each successive period of three years to:
  - a) Prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
  - b) Publish the statement.
- 1.2 The next “successive period” starts on 31 January 2025. However, the Statement needs to be adopted by 31 December 2024 as it must be published at least 4 weeks before the date on which it comes into effect on the authority’s website and also be available for inspection by the public.
- 1.3 Before determining its Policy, the Authority is required to consult with the police, persons who represent the interests of gambling businesses and those who represent the interests of persons who are likely to be affected by gambling businesses.

## **2. BACKGROUND**

- 2.1 The Gambling Act 2005 (the “Act”) came into effect on 1 September 2007, and amongst other changes, gave to Local Authorities new and extended powers for licensing premises for gambling, including betting shops, family entertainments centres, casinos, bingo premises and gaming machine arcades. Local Authorities are also responsible for registering small society lotteries and for issuing permits to pubs and clubs for gaming machines.
- 2.2 The Act contains three licensing objectives which underpin the functions that the Gambling Commission and the Licensing Authority must perform. They are:
  - a) Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime.
  - 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.

## **3. MAIN POINTS**

- 3.1 The draft Statement of Principles have been subject to a 6-week consultation period which ended on Friday 8 November 2024.
- 3.2 All consultees were written to and invited to make a written comment. In addition, the consultation was advertised on the Council's website.
- 3.3 There were no comments made during the consultation period by any of the consultees.
- a) 3.4 Under Section 166 of the Act the Licensing Authority is empowered, if they wish, to make a ‘no casino’ resolution. This means that at this time the council does not wish to have a casino in its area. This decision has to be reviewed every 3 years. Full Council resolved not

to issue licences to casinos in 2006. This decision was renewed at meetings in 2009, 2012, 2015, 2018 and 2021.

- 3.5 The benefit of making a 'no casino' resolution means that any applications for a casino in the West Oxfordshire District area would be determined by Full Council. If a 'no casino' resolution is not renewed, then if the operator has the necessary planning permission, it is likely that the application for a casino would automatically be granted.

#### **4. ALTERNATIVE OPTIONS**

- 4.1 None.

#### **5 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications associated with this report. The Council receives income through licence fees, and this covers the cost of carrying out this function.

#### **6. LEGAL IMPLICATIONS**

- 6.1 The Act requires the Council to prepare and approve a Statement of Principles to cover each 3-year period. The statement must contain the principles that the Council proposes to apply in exercising its function under the Act during the period.
- 6.2 Section 2 of the Act provides that the Council is the licensing authority for the purposes of the Act 2005. Section 157 of the Act provides that in relation to premises, the licensing authority in whose area the premises are situated is also a responsible authority. Therefore it is lawful and entirely proper for the Council to carry out both of these roles.
- 6.3 Section 349 of the Act, requires the Council to advertise and publish the statement for a period of four weeks before it takes effect.
- 6.4 If the Council approves the statement and advertises it for the required period prior to publication it will comply with its requirements as above.

#### **7. RISK ASSESSMENT**

- 7.1 Should the Licensing Authority fail to carry out a review it will fail to meet its statutory obligations under the Act.

#### **8. EQUALITIES IMPACT**

- 8.1 These are statutory functions and are applied nationally

#### **9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 9.1 None

## **10. BACKGROUND PAPERS**

**10.1** The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

Report CL.12 (F) Licensing Committee minutes and recommendations

**10.2** These documents will be available for inspection at the Council Offices at Woodgreen during normal office hours for a period of up to 4 years from the date of the meeting. Please contact the author of the report.

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