

LICENSING COMMITTEE	AGENDA ITEM No. 4
22 NOVEMBER 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Peter Hiller – Cabinet Member for Neighbourhoods, Housing and Planning	
Contact Officer(s):	Peter Gell – Strategic Regulatory Services Manager Adrian Day – Licensing Manager Kerry Leishman – Licensing Development Officer	Tel. 453419 Tel. 454437 Tel. 453502

GAMBLING ACT 2005 – PETERBOROUGH CITY COUNCIL'S REVISED STATEMENT OF PRINCIPLES

R E C O M M E N D A T I O N S	
FROM: Strategic Regulatory Services Manager	Deadline date : 5 December 2012
<p>The Committee is requested to:</p> <ol style="list-style-type: none"> 1. Note the contents of the report, 2. Note the comments received following public consultation, 3. Approve the final Statement of Principles and recommend that it be adopted by Full Council on 5 December 2012. 	

1. BACKGROUND

- 1.1 Under Section 349 of the Gambling Act 2005, it is a requirement for each Council to produce, adopt and publish a Statement of Principles. This Statement will govern the way decisions are made by the Council and how it will administer its duties under the Act. Without a Statement of Principles the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.
- 1.2 The Act requires that the Statement of Principles is kept under continual review to incorporate where necessary any changes to the legislation and or Guidance as appropriate. In addition to this, the Act specifies that the Statement must be reviewed and revised on a three yearly basis.
- 1.3 The Second three year period began on 31 January 2010 and therefore is due to expire on 30 January 2013. The revised Statement must be drafted and consulted upon prior to it being adopted.
- 1.4 In order to meet our statutory obligations, a revised Statement has been drafted. Also in accordance with the Act, this revised Statement has been consulted upon.
- 1.5 In formulating the revised Statement, officers have given full consideration to the requirements of the Act, guidance issued by the Gambling Commission, and LACoRS (Local Authorities Coordinators of Regulatory Services) Model document. We have also liaised with colleagues from neighbouring authorities to ensure our Statements are consistent.

2. PURPOSE

- 2.1 The purpose of this report is to make members aware of the comments received following the consultation process.

- 2.2 To approve the final Statement of Principles which includes the comments received following consultation in addition to the amendments where appropriate following the revised Guidance to Licensing Authorities issued by the Gambling Commission under section 25 of the Act.
- 2.3 To recommend that the revised Statement of Principles be adopted by Full Council on 5 December 2012.
- 2.4 This report is for the Committee to consider under its terms of reference no. 2.4.1.7 “to monitor and review policy relating to licensing matters and make recommendations to Cabinet or Council as appropriate in relation to any proposed changes”.

3 TIMESCALE

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	5 December 2012	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

4. CONSULTATION

- 4.1 The following outlines the procedure taken, in providing the opportunity for members, statutory consultees and members of the public to be involved in the process of reviewing our Statement of Principles
- 4.2 Before determining its Statement for any three year period (as required under s.349 of the Act), the licensing authority must consult the persons listed in s349 (3) as follows:
- a. Chief Officer of Police for the area;
 - b. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the area;
 - c. 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 the Act.
- 4.3 For information purposes a list of consultees is attached at **Appendix A**.
- 4.4 An 8 (Eight) week consultation took place between 31 August 2012 and 26 October 2012. The consultation letter gave advice on the following:
- i) Options on where to access and obtain copies of the draft revised Statement
 - ii) Opportunity to make relevant representations, in writing, on the draft Statement
 - iii) Notification that any comments must be received by 26 October 2012
- 4.5 The only response received during the consultation period was that of Cllr Hiller during the licensing committee meeting on 18 October, whose suggested change has been incorporated (please see **Appendix B** for suggested change).

5. CONSIDERATIONS

- 5.1 In determining its Statement, the licensing authority must have regard to the Gambling Commission’s guidance and give appropriate weight to the views of those whom it has consulted. In determining what weight to give particular representations, the factors taken into account include:
- Who is making the representation (what is their expertise or interest);
 - What the motivation may be for their views;

- How many other people have expressed the same or similar views;
- How far the representations relate to matters that the licensing authority should be including in its Statement.

5.2 A copy of the finalised Statement of Principles showing track changes of inclusions after the consultation process is attached at **Appendix C**.

6. LEGAL IMPLICATIONS

6.1 Legal Services have been consulted on the content of the Statement of Principles. This was to ensure that the provisions of the Act including the licensing objectives and other issues that are key to the way the council approaches and deals with applications, are included in the Statement.

6.2 Legal Services will also be required to ensure that the decision making process is implemented in accordance with the Act, and may also be required to provide legal representation in the event of any appeals to the Magistrate's Court against decisions made by the council, prosecutions being instigated or enforcement action being taken by the council.

7. BACKGROUND DOCUMENTS

Gambling Act 2005

Guidance to Licensing Authorities (issued under section 25 of the Act, by the Gambling Commission May 2009)

LIST OF CONSULTEE'S

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

- The Peterborough Greyhound Stadium
- British Greyhound Racing Board
- Gala Group Ltd
- British Beer and Pub Association
- British Bookmakers Trade Association
- British Casino Association

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 the Gambling Act 2005:

- Cambridgeshire Constabulary – the chief officer of police
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Control
- Peterborough City Council – Neighbourhood Services
- Peterborough City Council – Directors
- Peterborough City Council – Ward & Parish Councillors
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs
- The Gambling Commission
- GamCare
- All residents and businesses within the Peterborough area (through the Council website)

RESPONSES TO CONSULTATION

Please see below the suggested amendment to paragraph 7.9

Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). There is a burden on ward councillors who are also licensing committee members to avoid beyond doubt any conflict of interest; therefore care should be taken when seeking representation. If there are any doubts please contact the licensing department.

To replace:

Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). However should an individual wish to be represented by a councillor care should be taken that the councillor is not part of the licensing committee dealing with the licence application. If there are any doubts please contact the licensing department.

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