

LICENSING COMMITTEE	AGENDA ITEM No. 6
18 JUNE 2015	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor North, Cabinet Member for Communities and Environment Capital	
Contact Officer(s):	Peter Gell, Head of Regulatory Services Donna Hall, Public Protection Manager Kerry Leishman, Licensing Development Officer	Tel. 01733 453419 Tel. 01733 453514 Tel. 01733 453502

REVIEW OF STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

R E C O M M E N D A T I O N S
<ol style="list-style-type: none"> 1. Members are recommended to approve the draft revised Statement of Principles for purposes of consultation between 06 July and 13 September 2015. 2. To approve the proposal for consultation of the draft revised Statement of Principles in accordance with section 349 of the Act.

1. PURPOSE AND REASON FOR REPORT

1.1 The purpose of this report is to present and seek approval, for purposes of statutory consultation, the draft revised Statement of Principles prepared in accordance with the Gambling Act 2005.

2. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	9 DECEMBER 2015	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

3. BACKGROUND

- 3.1 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.
- 3.2 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.
- 3.3 The third three year period began on 31 January 2013 and therefore is due to expire on 30 January 2016. The revised Statement must be drafted and consulted upon prior to it being adopted.

3.4 In formulating the draft revised Statement, officers have given full consideration to the requirements of the Act and guidance issued by the Gambling Commission. Like its predecessor, this draft is based on the nationally accepted template produced by the Local Authorities Co-ordinators of Regulatory Services (LACORS), now known as Local Government Regulation overseen by the Local Government Association. We have also liaised with colleagues from neighbouring authorities to ensure our Statements are consistent.

3.5 A copy of the draft revised Statement of Principles is attached as **Appendix A**.

4. CONSULTATION

4.1 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.

4.2 A ten week consultation is proposed between 06 July 2015 and 13 September 2015.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Retain the status quo and operate in breach of the Gambling Act 2005 by not reviewing our Statement of Principles in accordance with section 349.

6. IMPLICATIONS

Financial Implications – Any costs in relation to the production of the Statement of Principles will be met by income from fees.

Legal Implications – As a minimum, Licensing Authorities are required to prepare and publish, every three years, a Statement of the Principles it proposes to apply when exercising its functions under the Gambling Act 2005.

7. APPENDICES

Appendix A - Draft Revised Statement of Principles

8. BACKGROUND DOCUMENTS

The Gambling Act 2005
Guidance to Local Authorities issued by the Gambling Commission