

LICENSING COMMITTEE	AGENDA ITEM No.5
19 November 2015	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Nigel North, Cabinet Member for Communities and Environmental Capital	
Contact Officer(s):	Peter Gell – Head of Regulatory Services Kerry Leishman – Licensing Development Officer	Tel. 01733 453419 Tel. 01733 453502

STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

RECOMMENDATIONS	
FROM: Peter Gell, Head of Regulatory Services	Deadline date: 7 December 2015
1. Approve the revised Statement of Principles and recommend that it be adopted by Council on 17 December 2015	

1. PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is to make members aware of any amendments to the Statement of Principles.
- 1.2 To ask Members to approve the revised Statement of Principles with suggested amendments and agree to recommend approval by Full Council.

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	17 December 2015	Date for submission to Government Dept	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 revised Statement, officers have given full consideration to the requirements of the Act and guidance issued by the Gambling Commission. We have also

liaised with colleagues from neighbouring authorities to ensure our Statements are consistent.

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 A 10 week consultation took place between 06 July 2015 and 13 September 2015. Advice was given 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 13 September

4.5 The licensing team did not receive comment on the draft statement of principles during consultation.

4.6 Due to an update of the Gambling Commission's guidance issued to Licensing Authorities published mid consultation the Statement has been amended post consultation to include a section on local risk assessments and local area profiles but does not reflect a change of intention or direction of the policy.

4.7 The revised Statement of Principles is attached at **Appendix B**.

5. ANTICIPATED OUTCOMES

5.1 Recommendation to Council to adopt the revised Statement of Principles.

6. REASONS FOR RECOMMENDATIONS

6.1 To comply with our statutory requirement under section 349 of the Gambling Act 2005 to produce, adopt and publish a Statement of Principles.

7. ALTERNATIVE OPTIONS CONSIDERED

7.1 The alternative option is to do nothing. This presents a risk to the council as failure to adopt a policy could result in a Judicial Review being sought.

8. 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.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Guidance issued to licensing authorities under s.25 of the Act.

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