

LICENSING COMMITTEE	AGENDA ITEM No. 5
18 OCTOBER 2018	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Irene Walsh, Cabinet Member for Communities	
Contact Officer(s):	Peter Gell – Head of Regulatory Services Kerry Leishman – Licensing & Business Manager	Tel. 01733 453419 Tel. 01733 453502

STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

RECOMMENDATIONS	
FROM : Peter Gell, Head of Regulatory Services	Deadline date : 18 October 2018
1. Approve the revised Statement of Principles and recommend that it be adopted by Council on 12 December 2018.	

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 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	12 December 2018	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 current three year period began on 31 January 2016 and therefore is due to expire on 30 January 2019. 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 consultation took place between 06 August 2018 and 23 September 2018. 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 23 September 2018

4.5 The responses received during the consultation are attached at **Appendix C**

4.6 The revised Statement of Principles with track changes 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.

In accordance with Cabinet policy, information provided below is the overall financial position for the Licensing budget is shown below, however, as stated above is not directly relevant to the subject of the report:

£'000	2017/18	2018/19	2019/20
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Budget	(35)	(38)	(40) (2) additional budget via fees & charges increase
Actual / forecast	(35)	(32)	

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)

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

10. APPENDICES

10.1 Appendix A - List of Consultees

10.2 Appendix B - Revised Statement of Principles

10.3 Appendix C - Consultation responses received

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