

AGENDA ITEM

REPORT TO COUNCIL

23RD JANUARY 2013

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

GAMBLING ACT 2005 – STATEMENT OF LICENSING PRINCIPLES

SUMMARY

Section 349 of the Gambling Act 2005 requires licensing authorities to publish a “statement of the principles that they propose to apply in exercising their functions” under the Act, and that the statement of principles shall be reviewed every three years. The current Statement of Licensing Principles was approved by Council in December 2009 and under the provisions of the Act, needs to be reviewed prior to re-publication in January 2013.

RECOMMENDATIONS

1. That members approve the draft revised statement of principles as outlined in **Appendix One** of this report

DETAIL

1. Section 349 of the Gambling Act 2005 requires licensing authorities to publish a “statement of the principles that they propose to apply in exercising their functions” under the Act, applicable to a 3 year period.
2. The current Statement of Licensing Principles was approved by Council in December 2009 and under the provisions of the Act, needs to be reviewed prior to publication in January 2013.
3. In preparing the statement of principles licensing authorities are required to:-
 - Adhere to regulations issued by the Secretary of State
 - Consider guidance issued to licensing authorities by the Gambling Commission
 - Recognise the need to be reasonably consistent with the licensing objectives where applicable. The licensing objectives are set out at Section 1 of the Act and are:-
 - Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
3. The Act also requires the licensing authority to consult with the following people on its statement of principles:
 - (a) the Police

- (b) those who represent the interests; of gambling businesses in their area; and
- (c) those persons which represent interested persons likely to be affected by the exercise of the Authority's functions under the Act.

5. A revised statement of principles was drafted and after consideration by the Licensing Committee on 24 July 2012 was published for consultation (copy attached at **Appendix One**). The consultation was carried out with those parties identified in paragraph 4 above, in addition a public notice was placed in a local newspaper inviting comments and the consultation document was published on the Council's website. Only one letter with comments was received during the consultation period from the British Beer and Pub Association and a copy is attached at **Appendix Two**. Members are advised that this is the same response that was received before the initial statement of principles was determined in 2009.
6. Officers believe that the comments in the letter in respect of the grant of additional permits in alcohol licensed premises are adequately addressed in the Statement of Licensing Principles at paragraphs 24.2 – 24.6 and would not recommend any further amendments which could fetter the Council's discretion in being able to consider each application on its merits.
7. The Statement of Licensing Principles has been reviewed by the Licensing Committee at its meeting of 2 October 2012 when they recommended that the draft statement attached at **Appendix One** be referred to Cabinet for approval.
8. At its meeting on 29 November 2012 Cabinet considered the report and a copy of the minute extract is attached to the report at **Appendix Three**.

FINANCIAL IMPLICATIONS

9. None

LEGAL IMPLICATIONS

10. Section 349 of the Gambling Act 2005 requires that a licensing authority shall before each successive period of three years:
 - 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.

RISK ASSESSMENT

11. The implementation of the revised Gambling Act Statement Of Licensing Principles is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce any risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

Safer Communities - Children and Young People -	The Gambling Act 2005 assists in preventing crime. The Gambling Act 2005 assists in protecting vulnerable children.
Healthier Communities and Adults -	The Gambling Act 2005 assists in protecting vulnerable adults.

EQUALITIES IMPACT ASSESSMENT

12. This report has been subject to an Equality Impact Assessment and has been judged to have a positive impact. No remedial actions are required.

CONSULTATION INCLUDING WARD/COUNCILLORS

Consultation was undertaken with all interested parties as required by the Gambling Act 2005

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Education related? No

Background Papers None

Ward(s) and Ward Councillors:

Property N/A