

**GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES  
(Report by the Head of Legal and Democratic Services)**

**1. INTRODUCTION**

- 1.1 The Council is the licensing authority for the purposes of the Gambling Act 2005 (the Act), taking over licensing responsibilities when it came into effect in September 2007. Section 349 of the Act requires the licensing authority to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. The statement of principles must be kept under review and reviewed at least every three years.
- 1.2 The current statement was approved by the Licensing Committee on 27<sup>th</sup> October 2009 and full Council on 2<sup>nd</sup> December 2009. It came into effect on 31<sup>st</sup> January 2009 and therefore expires on 30<sup>th</sup> January 2013.
- 1.3 The Council is now required to undertake a review of its statement. The statement must be drafted and consulted upon prior to it being adopted. All comments received must be considered. Best practice set by the Department for Business, Innovation and Skills recommends 12 weeks public consultation.
- 1.4 The current statement of principles was drawn up from templates issued by the Local Authority Co-ordinators of Regulatory Services (LACORS) and took into account changes arising from third edition of the Gambling Commission Guidance to Licensing Authorities, published May 2009.
- 1.5 The Gambling Commission has now developed its thinking in a number of areas and although this has been communicated in other forms, the Commission consider it appropriate and timely to further update the Guidance. As a consequence, the Gambling Commission is currently consulting on a draft 4<sup>th</sup> edition of Guidance to Licensing Authorities between 13<sup>th</sup> April and 6<sup>th</sup> July 2012 and expects to publish the final version in the summer of 2012.
- 1.6 Attached as an Appendix is a revised draft statement of principles, which has been re-drafted to take into account the relevant provisions as they apply to Huntingdonshire District Council.
- 1.7 The purpose of this report is to invite members to approve the revised draft statement of principles for public consultation.

**2. CONSULTATION**

- 2.1 Section 349 of the Act requires that the Council consults with the police, persons representing the interests of people carrying on gambling businesses in the area and persons likely to be affected by the exercise of the authority's functions under the Act.

- 2.2 We propose to consult in accordance with the guidance and will be undertaking consultation by a variety of means, including our website, in libraries and at the authority's offices in Pathfinder House, St Mary's Street, Huntingdon PE29 3TN.
- 2.3 A twelve week consultation period will take place between 9<sup>th</sup> July and 1<sup>st</sup> October 2012. All comment received will be considered and reported back with a final draft to the Licensing Committee on 23<sup>rd</sup> October 2012, with a view to recommending its approval.
- 2.4 Approval of the statement of principles is reserved to full council but requires the consideration of the Cabinet before a recommendation can be made. Cabinet will therefore be asked to endorse the statement at its meeting to be held on 22<sup>nd</sup> November 2012 for approval by the Council on 19<sup>th</sup> December 2012. This will be in time to publish the statement four weeks before it comes into effect on 31<sup>st</sup> January 2013.
- 2.5 It is likely that there will be a need for further amendments to the draft, arising from any comments received that are thought appropriate. The final version of the 4<sup>th</sup> edition of Guidance will also be published during our consultation period and it may prove necessary to amend the final statement of principles to reflect any changes arising. Whilst some of the changes have already been anticipated and included, further re-drafting may be needed, which will be reflected in the final draft.

### **3. CONCLUSION**

- 3.1 We have a statutory duty to prepare and publish a revised statement of principles, to undertake public consultation and to consider any feedback. Having considered all comments, we must then draw up, adopt and publish the final statement of principles before the 3<sup>rd</sup> January 2013, four weeks before it comes into effect on 31<sup>st</sup> January 2013. If the Council fails to do this, then it will be unable to fulfil its licensing duties under the Act, with possible additional financial and legal consequences arising as a result. It is important therefore that we commence public consultation in order to progress the matter and meet our statutory timeframe.

### **4. RECOMMENDATIONS**

- 4.1 It is therefore

#### **RECOMMENDED**

- (a) that Members approve the draft statement of principles for public consultation, attached as an appendix to the report.
- (b) that the Head of Democratic Services be authorised to make any amendments to the draft statement that are considered necessary as a result of any comments received from the public consultation exercise, or arising from any new guidance issued by the Gambling Commission to Licensing Authorities.
- (c) That the revised final draft be put before the Licensing Committee on 23<sup>rd</sup> October 2012 for endorsement to Cabinet and full Council.

## **BACKGROUND INFORMATION**

LACORS Statement of Principles template – Version 3 - May 2009

Gambling Commission Guidance to Licensing Authorities – 3<sup>rd</sup> Edition – May 2009

Gambling Commission Guidance to Licensing Authorities – 4<sup>th</sup> Edition Consultation Document – April 2012

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