

**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 27th October 2009 and full Council on 2nd December 2009. It came into effect on 31st January 2009 and therefore expires on 30th 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. A draft policy was approved by the Licensing Committee on 20th June 2012. Twelve weeks public consultation took place between 9th July and 1st October 2012. All comments received must be considered and reported back to the Licensing Committee with a view to recommending approval to Full Council.
- 1.4 Attached as Appendix 1 is a revised statement of principles, which has been re-drafted to take into account the relevant provisions as they apply to Huntingdonshire District Council, with the consideration of all comments received as a result of the consultation exercise. The Statement has been prepared following the Local Government Association June 2012 template and taking into account the 4th version of the Gambling Commission's Guidance to Licensing Authorities published on 28th September 2012.
- 1.5 The purpose of this report is to invite members to consider the revised draft Statement of Principles and to recommend to Full Council its approval for publication and subsequent adoption with effect from 31st January 2013.
- 1.6 The Act specifies that the functions of the Licensing Authority be delegated to the Licensing Committee, with three exceptions where decision making falls to the Full Council and cannot be delegated. One of these exceptions is the publication and adoption of the Statement of Principles.

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 Twelve weeks consultation took place between 9th July and 1st October 2012 in accordance with the best practice set by the Department for Business, Innovation and Skills. Consultation was undertaken in accordance with the guidance and was undertaken 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 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 22nd November 2012 for approval by the Council on 19th December 2012. This will be in time to publish the statement four weeks before it comes into effect on 31st January 2013 and will enable us to continue to fulfil our statutory duties.
- 2.4 It is important that the views of consultees are taken into account. Four responses have been received. The responses have been attached and are summarised in Appendix 2 with consideration given in the drafting of the final version. It is a requirement that the Statement complies with the Gambling Act 2003, codes of practice and guidance issued by the Gambling Commission and is reasonably consistent with the licensing objectives. For this reason it is not always possible to adopt suggestions put forward. Appendix 2 indicates the consideration given to each comment received and provides reasons for the decision taken.

3. CONCLUSION

- 3.1 The Council has a statutory duty to approve and publish a revised Statement of Principles before 3rd January 2013 in order to fulfil its legal obligations under the Act.

4. RECOMMENDATIONS

- 4.1 It is therefore

RECOMMENDED

that the Council be recommended to approve the Statement of Principles under Section 349 of the Gambling Act 2005 as set out in Appendix 1 for a period of three years commencing on 31st January 2013.

BACKGROUND INFORMATION

LGA Statement of Principles template – June 2012 version
Gambling Commission Guidance to Licensing Authorities – 4th Edition – September 2012

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