

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Gambling Act 2005 – Statement of Principles

Meeting/Date: Licensing Committee
23rd June 2015

Executive Portfolio: Councillor Roger Harrison

Report by: Head of Community

Ward(s) affected: All

Executive Summary:

The Council is required to produce a Gambling Act 2005 Statement of Principles on which it will base its decisions. The production of the document requires the Council to undertake a period of consultation. This report provides the Licensing Committee with a draft of the document on which we seek to engage in consultation, and to seeks comments and approval of the Committee on the draft document and the consultation proposals.

The costs of reviewing the statement will be set against the income from the application, and annual licence fees received under the Gambling Act 2005 regime.

Recommendation(s):

- (a) that Members approve the draft 'Gambling Act 2005 Statement of Principles' for public consultation, attached as an appendix to the report.
- (b) that the Head of Community 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 20th October 2015 for endorsement to Cabinet and Full Council.

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 The Gambling Act 2005 (the Act) requires the Council to prepare and publish a 'Statement of Principles' stating how it will exercise its statutory duties, having firstly undertaken public consultation and considered any feedback. Our current statement expires on 31st January 2016, so we must draw up, adopt and publish a further statement of principles before the 3rd January 2016, four weeks before its coming into effect on 31st January 2016. If the Council fails to do this, then it will be unable to fulfil its statutory duties, with possible additional financial and legal consequences arising as a result. It is vital therefore that we commence public consultation in order to progress the matter and meet the statutory timeframe.
- 1.2 The purpose of this report is to invite members to approve the draft for public consultation. Following consultation a final draft will be prepared, taking into account the consultation responses.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council is the Licensing Authority for the purposes of 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.
- 2.2 The current statement was approved by the Licensing Committee on 23rd October 2012 and full Council on 19th December 2012. It came into effect on 31st January 2013 and therefore expires on 30th January 2016.
- 2.3 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.
- 2.4 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 the fourth edition of the Gambling Commission Guidance to Licensing Authorities, published in September 2012.
- 2.5 The Gambling Commission has 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 5th edition of Guidance to Licensing Authorities between 30th March and 22nd June 2015 and expects to publish the final version in the autumn of 2015.
- 2.6 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. The revised draft tracks all the changes to the existing policy for ease of reference.

3. CONSULTATION

- 3.1 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.

- 3.2 We propose to consult in accordance with the legislation and will be undertaking consultation by a variety of means, including our website, in libraries and council offices.
- 3.3 The Cabinet Office has produced guidelines recommending that timeframes for consultation be proportionate and realistic to allow stakeholders sufficient time to provide a considered response. We propose to consult over a ten week period from 26th June to 4th September 2015. This will enable all comments received to be considered and reported back with a final draft to the Licensing Committee on 20th October 2015, with a view to recommending its approval.
- 3.4 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 19th November 2015 for approval by the Council on 19th December 2015. This will be in time to publish the statement four weeks before it comes into effect on 31st January 2016.
- 3.5 It is likely that there will be a need for further amendments to the draft, arising from any comments received. The final version of the 5th edition of the Gambling Commission's Guidance is also scheduled to be published towards the end of 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.

4 OPTIONS

- 4.1 We have a statutory duty to prepare and publish a statement of licensing policy, to undertake public consultation and to consider any feedback. Having considered all comments, we must then draw up and adopt the final policy before 7th January 2016. If the Council fails to do this, then it will be unable to fulfil its duties.

5. LEGAL IMPLICATIONS

- 5.1 Should the Council fails to have a policy in place by 31st January 2016, then it will be unable to fulfil its licensing duties under the Act. The Gambling Act sets out key principles of:-

- preventing gambling from being a source of crime or 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., with possible additional financial and legal consequences arising as a result.

Clearly, these principles have cognisance with our own Corporate Priorities and therefore the provision of a Gambling Act 2005 licensing regime must remain a priority

- 5.2 The Gambling Act 2005, Section 349 places a statutory obligation on the Council to prepare its Statement of Principles

6. RESOURCE IMPLICATIONS

- 6.1 The consultation will be undertaken through the Council's website, printed versions of the consultation document being available at Council Offices, and through a number of direct mailings to the statutory consultees. The cost of consultation being covered from the fees income generated under the Gambling Act 2005.

7. OTHER IMPLICATIONS

- 7.1 No other implications are envisaged.

8 REASONS FOR THE RECOMMENDED DECISIONS

- 8.1 The present statement must be reviewed and replaced for a further period of three years. 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 23rd October 2012 for endorsement to Cabinet and full Council.

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Statement of Principles

BACKGROUND PAPERS

LACORS Statement of Principles template – Version 3 - May 2009
Gambling Commission Guidance to Licensing Authorities – 4th Edition – September 2012
Gambling Commission Guidance to Licensing Authorities – 5th Edition Consultation Document – March 2015
Gambling Commission – GLA special bulletin – April 2015
Gambling Commission Licensing Authority Bulletin – May 2015

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