

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Gambling Act 2005 – Statement of Principles 2015

Meeting/Date: Licensing Committee - 20 October 2015
Council – 16th December 2015

Executive Portfolio: Councillor Roger Harrison, Executive Councillor for
Strategic Economic Development and Legal

Report by: Chris Stopford, 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 required the Council to undertake a period of public consultation which ended on 4 September 2015. This report provides the Licensing Committee with a draft of the final revised document and seeks the recommendation for approval of the Committee on the document, and the approval and adoption by Full Council.

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:

1. That Members of the Licensing Committee note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2016 that has been produced following the required consultation; and further recommend that the Statement of Principles be referred to Council for approval.
2. That Full Council approve and adopt the Gambling Act 2005 – Statement of Principles 2016

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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 30 January 2016, so we must draw up, adopt and publish a further statement of principles before the 3 January 2016, four weeks before its coming into effect on 31 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 progress the approval and endorsement of the revised draft document to enable us to meet the statutory timeframe.
- 1.2 The purpose of this report is to invite Members to recommend approval of the revised draft, having undertaken public consultation and considered all comments received.

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 23 October 2012 and full Council on 19 December 2012. It came into effect on 31 January 2013 and therefore expires on 30 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 considers it appropriate and timely to further update their Guidance. As a consequence, the Gambling Commission consulted upon a draft 5th edition of Guidance to Licensing Authorities between 30 March and 22 June 2015, with the final version expected to be published 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 and all comments received as a result of public consultation.

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 Ten weeks' consultation took place between 26 June and 4 September 2015, in accordance with Cabinet Office guidelines. Wide consultation was undertaken in accordance with the legislation by a variety of means, including our website, in libraries and council offices.
- 3.3 Approval of the 'Statement of Principles' is reserved to Full Council. Approval by the Council at their meeting on 16 December 2015 will be in time to publish the statement four weeks before it comes into effect on 31 January 2016.
- 3.5 It is important that the views of the consultees are taken into account. One response was received. The response has been attached and is summarised in Appendix 2 with the consideration given in the drafting of the final version. It is a requirement that the statement complies with the Gambling Act 2005, 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 decisions taken.
- 3.5 The statement was prepared using the most current 4th Edition of the Gambling Commission's Guidance to Licensing Authorities and taking into account their draft 5th Edition. Although the final version of the 5th edition was scheduled to be released in the autumn, at the close of our consultation period, we had received no indication from the Gambling Commission of a likely publication date. We have anticipated the changes likely to arise and have included them in the drawing up of our statement. Publication must not delay the timeframe for approval of the attached statement because, should it prove necessary, a further revision can be undertaken in due course.

4 OPTIONS

- 4.1 The Council has a statutory duty to approve and publish a Statement of Principles before 31 January 2016, four weeks before it comes into effect on 31 January 2016 in order to fulfil its legal obligations under the Act.

5. LEGAL IMPLICATIONS

- 5.1 Should the Council fail to have a policy in place by 31 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 cognizance 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 cost of implementing the Statement is 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

1. That Members of the Licensing Committee note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2016 that has been produced following the required consultation; and further recommend that the Statement of Principles be referred to Council for approval.
2. That Full Council approve and adopt the Gambling Act 2005 – Statement of Principles 2016

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Gambling Act 2005 - Statement of Principles 2016

Appendix 2 – Consultation response and summary

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 Bulletins – May and July 2015

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