



PART B:	RECOMMENDATION TO COUNCIL
REPORT TO:	LICENSING COMMITTEE
DATE:	21 JULY 2015
REPORT OF THE:	HEAD OF ENVIRONMENT BECKIE BENNETT
TITLE OF REPORT:	THE GAMBLING ACT 2005 – DRAFT STATEMENT OF PRINCIPLES
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise Members of the consultation undertaken in relation to the Council's draft Statement of Principles in relation to the Gambling Act 2005 and seek Members views prior to adoption by Council.

2.0 RECOMMENDATION

- 2.1 It is recommended that:
1. Subject to Members views the draft Gambling Act 2005 – Statement of Principles be recommended for adoption by Council on 3 September 2015

3.0 REASON FOR RECOMMENDATION

- 3.1 The Council must review its Statement of Principles every three years. The Statement is due for review and must be consulted upon, ratified by the Council and published before the 31 December 2015. Following any proposed amendments by this Committee a final draft version of the Policy will be submitted to Council on 3 September 2015. The consideration of applications cannot proceed without a reviewed Statement of Principles being in place.

4.0 SIGNIFICANT RISKS

- 4.1 Failure to formally review or consult on a Statement of Principles within the timetable required by the Act, Regulations and guidance would mean the Council was not complying with its statutory duty and would also leave the Council open to legal challenge and any subsequent costs.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 The Gambling Act 2005 imposes statutory requirements on the local authority as the Licensing Authority. The requirement to produce and consult on a Statement of Principles in relation to the Gambling Act 2005 is identified in the Health and Environment Service Delivery Plan 2015/16.

5.2 Section 349(3) of the Act requires that the Licensing Authority consult the following on the Statement of Principles (or any subsequent provision):

The Chief Officer of Police for the Authority's area

One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and

One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

5.3 The written consultation followed best practice as set out by the Cabinet Office (Consultation Principles November 2013) including allowing 12 weeks for responses to consultation. Consultation was undertaken as widely as possible and published on the Council's website

5.4 The Consultation period ran from 16 March to 8 June 2015.

REPORT

6.0 REPORT DETAILS

6.1 Section 349 of the Gambling Act 2005 requires that all licensing authorities prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Gambling Act during the three year period to which the Statement of Principles applies. A Statement of Principles will last for a maximum of three years, but can be reviewed and revised by an authority at any time.

6.2 The existing Statement of Principles has been kept under review since coming into force on 31 January 2013 and no revision has been deemed necessary to date. However, the Statement requires review during 2015 in order for it to take effect from 31 January 2016 (when a new three year cycle will commence). The Statement or revision must be published at least one month before it takes effect, therefore any Statement will be required to be ratified by Council no later than the 31st December 2015. Section 154 of the Act provides that functions in relation to the three year Statement of Principles cannot be delegated but must be taken by the whole authority.

6.3 The draft Statement of Principles is a draft document suggesting the Council's proposals to ensure a balanced approach towards the licensing of gambling premises and was formally published for consultation on 16th of March 2015. This Statement is based on the requirements of the Act, the current guidance issued by the Gambling Commission and the template from Local Authority Coordinators of Regulatory

Services. Members should note that there has been no significant change to either regulations issued by the Secretary of State or guidance issued by the Gambling Commission in the intervening 3 year period that materially affects the current Statement of Principles and for that reason it is proposed that the Statement of Principles will remain unchanged for the years 2016-2019. However, Council Officers are aware that the Gambling Commission is currently consulting on the Guidance it issued to Licensing Authorities in September 2012. If any significant/relevant changes are made to the current Guidance, a further review of this Councils Statement of Principles may be required.

- 6.4 The draft Statement of Principles was formally published for consultation on 16th of March 2015. This allowed the Cabinet Office recommended consultation period of twelve weeks. All statutory undertakers have received a full copy of the draft Statement of Policy, and notification of the Statement was given to all Members, parish and town councils, all relevant service unit managers, and all libraries. A copy of the draft Statement of Principles was available on the Ryedale Council Website (www.ryedale.gov.uk). All relevant premises and specific bodies requesting information have been advised of the Statement and its availability. A full list of consultees is available on request. Despite widespread consultation, no comments have been received. It is therefore recommended that the draft Statement of Principles as submitted to this Committee be submitted for adoption by the Council on 3rd of September 2015.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:

a) Financial

The Statement of Principles has been produced in house and the consultation has been undertaken using existing staffing resources.

b) Legal

The Statement of Principles must be reviewed before the end of its third three year period and is classed as high priority. Failure to review the Statement of Principles, seek approval by full Council and publish it before the 31st January 2016 could leave the Council subject to judicial review and have serious financial implication

c) Other

Ryedale's Statement of Principles is fundamental to the successful operation of the Licensed Gambling System and is a core document Members of a Licensing Sub Committee must have regard to when arriving at gambling related decisions. The proposed draft Statement of Principles aims to reflect the balance between the commercial interests of the licensed gambling trade and the communities they serve and impact on.

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Background Papers:

Gambling Commission Guidance to Licensing Authorities, 4th Edition, September 2012

Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations 2006

Notes to accompany LACORS Statement of Principles Template-Gambling Act 2005, May 2009

Ryedale District Council Licensing Committee *The Gambling Act 2005 – Draft Statement of Principles. 16th March 2015*

