



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	LICENSING COMMITTEE
DATE:	21 NOVEMBER 2017
REPORT OF THE:	DELIVERY AND FRONTLINE SERVICES LEAD 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 inform Members of the requirement to issue and consult on a draft Statement of Principles in relation to the Gambling Act 2005 and seek Members approval to consult on the draft Statement.

2.0 RECOMMENDATION

- 2.1 It is recommended that:
- i. The draft Gambling Act Statement of Principles be subject to formal consultation and following the consultation the Statement of Principles be resubmitted to the Licensing Committee on 8 May 2018.

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 2018. The draft Statement of Principles is based on current regulations and guidance and requires Members approval prior to consultation.

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.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 Section 349 of the Gambling Act 2005 (“the Act”) requires all licensing authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. A Statement of Principles will last for a maximum of three years, but can be reviewed by an authority at any time.
- 5.2 The existing Statement of Principles has been kept under review since coming into force on the 31 January 2016 and no revision has been deemed necessary to date. However, the Statement of Principles will require revising during 2018 in order for it to take effect from the 31 January 2019 (when a new three year cycle will commence).

6.0 POLICY CONTEXT

- 6.1 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 has been identified.

7.0 CONSULTATION

- 7.1 Section 349(3) of the Act requires that the Licensing Authority consult the following on the Statement of Principles (or any subsequent revision):
- 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.
- 7.2 Any written consultation will follow best practice as set out by the Cabinet Office (Consultation Principles November 2013) including allowing 12 weeks for responses to consultation. It is proposed to consult as widely as possible and publish the consultation document on the Council’s website
- 7.3 Proposed Consultation period: - 15th January 2018 to 9th April 2018.

8.0 REPORT DETAILS

- 8.1 A draft Statement of Principles is detailed in Annex A and 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 (now local Government Regulation). This is the local government central body responsible for overseeing local authority regulatory and related services in the UK.
- 8.2 Members should note that there has been a limited number of changes to both regulations issued by the Secretary of State and guidance issued by the Gambling Commission in the intervening 3 year period, none of which materially affects the content of the current statement of principles. However, in April 2016 the Gambling Commission’s Licence Conditions and Codes of Practice (LCCP) were revised. These

required all existing licensees that provide gambling facilities at their premises, to assess the risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. This has resulted in a minor addition to the current statement of principles to take account of this change. Apart from this and some numerical changes in guidance the current Statement of Principles will remain virtually unchanged for the years 2019-2022.

- 8.3 The regulations stipulate that the Statement of Principles (or any subsequent revision) must be published on the Authority's website and be made available for inspection by the public in the principal office or a public library in the area covered by the Statement. 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 Full Council no later than the 31st December 2018. 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.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

- a) Financial

There are no financial implications.

- b) Legal

There is a legal requirement to consult and approve the Statement of Principles every 3 years.

- 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 have regard to when arriving at gambling related decisions. The proposed draft Statement of Principles will be subject to consultation and it is hoped that the final Statement will reflect the balance between the commercial interests of the licensed gambling trade and the communities they serve and impact on.

BECKIE BENNETT DELIVERY AND FRONTLINE SERVICES LEAD

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Background Papers:

Gambling Commission Guidance to Licensing Authorities, 5th Edition, September 2015(Updated September 2016)

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

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