



REPORT TO: LICENSING COMMITTEE

DATE: 11 JUNE 2009

HEAD OF SERVICE: ENVIRONMENT
PHIL LONG

REPORTING OFFICER: ENVIRONMENTAL HEALTH MANAGER
STEVEN RICHMOND

SUBJECT: THE GAMBLING ACT 2005- DRAFT STATEMENT OF
PRINCIPLES

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Members of as to 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 Statement.

2.0 RECOMMENDATIONS

- 2.1 Members approve the draft Gambling Act Statement of Principles for consultation.

3.0 REASONS SUPPORTING DECISION

- 3.1 The Council must review its Statement of Principles every three years. The Statement is due for review and must be consulted, ratified by Council and published before 31 December 2009. The draft Statement has been based on recently published guidance and requires Members approval prior to consultation.

4.0 BACKGROUND AND INTRODUCTION

- 4.1 Section 349 of the Gambling Act 2005 ("the Act") requires that all licensing authorities prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. A licensing policy statement will last for a maximum of three years, but can be reviewed and revised by an authority at any time.
- 4.2 The existing Statement of Licensing Principles has been kept under review since coming into force on 31 January 2007 and no revision has been deemed necessary to date. However, the Statement will require revising during 2009 in order for it to take effect from 31 January 2010 (when a new three year cycle will commence).
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5.0 POLICY CONTEXT

- 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 is identified in the Health and Environment Service Delivery Plan 2009/10.

6.0 REPORT

- 6.1 Section 349(3) of the Act requires that the Licensing Authority consult the following on the Policy (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 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 this Act.
- 6.2 Any written consultation should follow best practice as set out by the Cabinet Office 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.
- 6.3 The Service has produced a consultation draft, a copy of which is available in Annex A. The Statement has been based on the requirements of the Act, the recently revised Gambling Commission Guidance to Licensing Authorities (May 2009) and the template for Local Authority Coordinators of Regulatory Services (LACORS). Notable changes that are reflected in the new draft policy are: -
- Enforcement
 - Splitting Premises
 - "Ready for Gambling"
 - Temporary Use Notices
- 6.4 The regulations stipulate that the Statement (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 of the authority or a public library in the area covered by the Statement. The Policy 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 31 December 2009. Section 154 of the Act provides that functions in relation to the three year Statement of Licensing Policy cannot be delegated but must be taken by the whole authority

7.0 OPTIONS

- 7.1 The council is obliged by the requirements of the Gambling Act 2005 to review, consult and ratify and publish a Statement of Principles.

8.0 FINANCIAL IMPLICATIONS

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

9.0 RISK ASSESSMENT

- 9.1 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.

10.0 CONCLUSION

- 10.1 The Gambling act 2005 imposes statutory duties on the Council, one of which is to review it's Statement of Principles within three years. The Statement of Principles has been developed in line with the statutory guidance. It is important that the maximum consultation period is provided to allow for interested parties to provide their input into the Statement of Principles.

Background Papers:

Gambling Commission. **Gambling Commission Guidance to Licensing Authorities**. 3rd Edition. May 2009

Notes to accompany LACORS Statement of Principles Template – Gambling Act 2005.
May 2009

Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) regulations 2006

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