



LICENSING COMMITTEE

Thursday 20 September 2012 at 6.30 pm

Agenda

1 Emergency Evacuation Procedure

The Chairman to inform Members of the Public of the emergency evacuation procedure.

2 Apologies for absence

3 Minutes of the meeting of the Licensing Committee held on 7 June 2012 (Pages 1 - 2)

4 Urgent Business

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

5 Declarations of Interest

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL

- 6 **Gambling Act 2005 Draft Statement of Principles - Consultation Response**
(Pages 3 - 8)
- 7 **Any other business that the Chairman decides is urgent.**

Licensing Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 7 June 2012

Present

Councillors Andrews, Clark, Mrs Cowling, Mrs Denniss, Mrs Frank, Fraser, Hope, Richardson and Mrs Sanderson

In Attendance

Fiona Brown, Nicki Lishman, Phil Long and Steve Richmond

Minutes

18 **Apologies for absence**

Apologies for absence were received from Councillors Mrs Denniss and Walker.

19 **Minutes on the Meeting Held on 24 November 2011**

The minutes of the meeting of the Licensing Committee held on 24 November 2011 were presented.

Resolved

That the minutes of the last meeting of the Licensing Committee held on 24 November 2011 be approved and signed by the Chairman as a correct record.

20 **Urgent Business**

There were no items of urgent business.

21 **Declarations of Interest**

There were no declarations of interest.

22 **Appointment of Chairman and Vice Chairman of the Committee**

It was moved by Councillor Mrs Cowling and seconded by Councillor Hope that Councillor Mrs Frank be nominated as Chairman of the Committee.

Upon being put to the vote the motion was carried.

It was moved by Councillor Mrs Cowling and seconded by Councillor Mrs Frank that Councillor Hope be nominated as Vice Chairman of the Committee.

Upon being put to the vote the motion was carried.

Resolved

- i. That Councillor Mrs Frank be elected Chairman of the Licensing Committee.
- ii. That Councillor Hope be elected Vice Chairman of the Licensing Committee.

23 **The Gambling Act 2005 - Draft Statement of Principles**

The Head of Environment, Streetscene and Facilities submitted a report (previously circulated) which informed Members of the requirement to issue and consult on a draft Statement of Principles in relation to the Gambling Act 2005 and sought Members' approval to consult on the draft Statement.

Resolved

That 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 20 September 2012.

24 **Changes to the Licensing Act 2003**

The Head of Environment, Streetscene and Facilities submitted a report (previously circulated) which advised Members of recent changes in legislation, including the Live Music Act and the passing of the Police Reform and Social Responsibility Act 2011 and the changes that this would bring in relation to the Licensing Act 2003.

Resolved

- (i) That Members note the contents of the report
- (ii) The Health and Environment Manager and in his absence the Principal Environmental Health Officer be designated as the officer acting for the responsible authority.

25 **Any other business that the Chairman decides is urgent.**

There being no items of urgent business the meeting closed at 8:35 pm.



PART B:	RECOMMENDATION TO COUNCIL
REPORT TO:	LICENSING COMMITTEE
DATE:	20 SEPTEMBER 2012
REPORT OF THE:	HEAD OF ENVIRONMENT PHIL LONG
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 That Council be recommended to approve the Gambling Act 2005 - Statement of Principles, subject to Licensing Committee Members views.

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 2012. Following any proposed amendments by this Committee a final draft version of the Policy will be submitted to Council on 1 November 2012. 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 2012/13.

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 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 11 June to 3 September 2012.

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 Licensing 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 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 2010 and no revision has been deemed necessary to date. However, the Statement requires review during 2012 in order for it to take effect from 31 January 2013 (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 31 December 2012. 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 was formally published for consultation following the recommendation of this Committee on 7 June 2012. 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 (now local Government Regulation). This is the local government central body responsible for overseeing local authority regulatory and related services in the UK. 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 2013-2016.

6.4 The draft Statement of Principles was formally published for consultation following the recommendation of this Committee on 7 June 2012. 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 is available on the Ryedale Council Website (www.ryedale.gov.uk). All relevant premise and specific bodies requesting information have been advised of the Statement and its availability. A full list of consultees is available in Annex B in the previous report. Despite widespread consultation, no comments have been received. It is therefore recommended that the Statement of Principles as submitted to this Committee on 7 June 2012 be submitted for adoption by the Council on 1 November 2012.

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 will be undertaken using existing staffing resources.

b) Legal

The Statement of Principles must be reviewed before the end of its second 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 2013 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 have 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.

Phil Long
Head of Environment

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Background Papers:

Gambling Commission Guidance to Licensing Authorities, 3rd Edition, May 2009

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*. 7 June 2012

Background Papers Available for Inspection at:
RDC Environmental Health Unit.

RISK MATRIX – The Gambling Act 2005 – Draft Statement of Principles

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Failure to review or consult on a draft Statement of Principles.. Failure to get adoption of the Statement of Principles by Council within the necessary timescale.	Council failing to comply with its statutory duty and would also leave the Council open to legal challenge	4	D	Consultation undertaken of draft Statement of Principles, reviewed by Licensing Committee with a view to adoption by Council on 1 November 2012.	1	A

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

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