

PLANNING AND LICENSING COMMITTEE

23 October 2018

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

Strategic Aim:	Reaching our Full Potential	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor Gordon Brown, Portfolio Holder for Regulatory Services	
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Ward Councillors	All Wards	

DECISION RECOMMENDATIONS

That the Committee:

1. Approve the draft proposed Gambling Act 2005, Statement of Principles; and
2. Recommends to Council the formal adoption of the proposed Gambling Act 2005, Statement of Principles for Rutland County Council.

1. PURPOSE OF THE REPORT

- 1.1. To make members aware of the responses received during the consultation process.
- 1.2. To seek approval of the draft Statement of Principles and to seek recommendation to Council for adoption.

2. BACKGROUND

- 2.1. Under Section 349 of the Gambling Act 2005, it is a requirement for each Council to produce, adopt and publish a Statement of Principles. This Statement will govern the way decisions are made by the Council and how it will administer its

duties under the Act. Without a Statement of Principles the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.

2.2. In order to meet our statutory obligations, a revised Statement has been drafted. Also in accordance with the Act, this revised Statement has been consulted upon.

2.3. In formulating the draft revised Statement, officers have given full consideration to the requirements of the Act and guidance issued by the Gambling Commission. This draft is based on the nationally accepted template originally produced by the Local Authorities Co-ordinators of Regulatory Services (LACORS), now known as Local Government Regulation overseen by the Local Government Association. We have also liaised with colleagues from neighbouring authorities to ensure our Statements are consistent whilst still having in mind local considerations.

3. CONSULTATION

3.1. The following outlines the procedure taken, in providing the opportunity for members, statutory consultees and members of the public to be involved in the process of reviewing our Statement of Principles.

3.2. Before determining its Statement for any three year period (as required under s.349 of the Act), the licensing authority must consult the persons listed in s349 (3) as follows:

- a. Chief Officer of Police for the area;
- b. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the area;
- c. 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

3.3. For information purposes a list of consultees is attached at **Appendix A**.

3.4. A consultation took place between 06 August 2018 and 23 September 2018. The consultation letter gave advice on the following:

- i) Options on where to access and obtain copies of the draft revised Statement
- ii) How to make representations on the draft Statement
- iii) Deadline for making representations that any comments must be received by 23 September 2018

3.5. The response received during the consultation are attached at **Appendix B**.

4. CONSIDERATIONS

4.1. In determining its Statement, the licensing authority must have regard to the Gambling Commission's guidance and give appropriate weight to the views of those whom it has consulted. In determining what weight to give particular representations, the factors taken into account include:

- Who is making the presentation (what is their expertise or interest);

- What the motivation may be for their views;
- How many other people have expressed the same or similar views;
- How far the representations relate to matters the licensing authority should be including in its statement.

4.2. A copy of the final proposed Statement of Principles showing track changes of inclusions after the consultation is attached at **Appendix C**.

5. ALTERNATIVE OPTIONS

5.1. The alternative option is to do nothing. This presents a risk to the council as failure to adopt a policy could result in a Judicial Review being sought.

6. FINANCIAL IMPLICATIONS

6.1. Any costs in relation to the production of the Statement of Principles will be met by income from gambling licensing fees.

7. LEGAL AND GOVERNANCE CONSIDERATIONS

7.1. The statement of Principles should be read in conjunction with the Statutory Guidance issued under Section 25 of the Gambling Act 2005 (“the Act”).

7.2. Section 349 of the Act requires the Licensing Authority to publish a statement of Principles every three years, and to consult with the statutory consultees and any other persons who may have an interest.

8. EQUALITY IMPACT ASSESSMENT

8.1. An Equality Impact Assessment (EqIA) has not been carried out.

9. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

9.1. As stated earlier, Section 349 of the Act requires the Licensing Authority to publish a Statement of Principles every three years. Failure to have a Statement of Principles could result in a Judicial Review being sought against the council.

10. BACKGROUND PAPERS

Guidance to Licensing Authorities (issued under section 25 of the Act) issued by the Gambling Commission.

11. APPENDICES (*mandatory, simply state if there are no appendices*)

Appendix A – List of Consultees

Appendix B – Responses received to the consultation

Appendix C – Proposed Statement of Principles

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.