

Gloucester City Council

Meeting:	Licensing & Enforcement Committee	Date: 11 th September 2012
	Council	29 th November 2012
Subject:	Revised Gambling Act Statement of Principles	
Report Of:	Martin Shields, Corporate Director for Services and Neighbourhoods	
Wards Affected:	All	
Key Decision:	Yes	Budget/Policy Framework: Yes
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Appendices:	1. Consultation Documentation	
	2. Copy of revised Gambling Act Statement of Principles	

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To present the revised Gambling Act Statement of Principles for consideration by the Licensing & Enforcement Committee to recommend for approval and adoption by the Council.

2.0 Recommendations

- 2.1 GLT is asked to **note** the contents of the revised Gambling Act Statement of Principles
- 2.2 Cabinet is asked to **note** the contents of that the revised Gambling Act Statement of Principles
- 2.3 Licensing and Enforcement Committee is asked to approve and **RECOMMEND** that
- (1) The revised Gambling Act Statement of Principles is approved and adopted by Full Council
- 2.4 Council is asked to **RESOLVE** that

(1) The revised Gambling Act Statement of Principles is approved and adopted by the Council.

3.0 Background and Key Issues

- 3.1 Section 349 of the Gambling Act 2005 requires that the Council produce, consult on and publish a Statement of Principles that they propose to apply when exercising its functions under the Act.
- 3.2 Section 349 of the Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.
- 3.3 The Council published its existing Statement of Principles in December 2009 and this was effective from 31st January 2010.
- 3.4 The revised Statement of Principles will need to be published to take effect from 31st January 2013.
- 3.5 There has been no substantial change to the legislation and the revised Statement of Principles has simply been updated to include minor amendments, deletions and additions, these are shown in grey highlight in the document at Appendix 2. The revised Statement is based on an original template produced by LACORS (Local Authorities Coordinators of Regulatory Services).
- 3.6 Section 349 of the Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:-
- The Chief Officer of Police;
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
 - 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 Gambling Act 2005.
- 3.7 The revised Gambling Act Statement of Principles was consulted upon from the 20th June 2012 until 7th September 2012, due to the timescales of the Council's Committee meetings this report is published before the consultation period ends, therefore a verbal update will be provided at the Licensing and Enforcement Committee should there be any further consultation responses received between the publishing of this report and the closing of the consultation period.
- 3.8 This report will be updated after the Licensing and Enforcement Committee to include any additional consultation responses and decisions of the Committee before it is submitted to the Council for approval.

- 3.9 All consultees were written to and invited to make a written comment either by way of the form provided or by e-mail. In addition, the consultation was advertised on the Council's website with provision to respond.
- 3.10 One response was received and this was from Gloucester Fire and Rescue Services who stated that they had 'no further comments' on the consultation process.
- 3.11 No other comments were received.

4.0 Alternative Options Considered

- 4.1 Members may choose to accept the suggested changes as noted on the revised document in whole, or alternatively accept the revisions in part.
- 4.2 Members may request for further amendments to be made to the suggested revisions which they consider suitable for the Committee to consider.

5.0 Reasons for Recommendations

- 5.1 These principles set out how Gloucester City Council intends to administer its duties under the Gambling Act 2005.
- 5.2 The Council must ensure that they comply with the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I. 636 of 2006). The Regulations govern the form Statements must take, the procedure to be followed in relation to the preparation, review or revision of Statements and the publication of Statements.
- 5.3 A large part of the revision concerns 'tidying up' of the original wording and updating the Council's contact details for their list of responsible authorities. It should be noted that the differences between the existing Statement of Principles and the revised one are not of a controversial nature.

6.0 Future Work and Conclusions

- 6.1 The Council must publish its Statement of Principles at least 4 weeks before the date it is to come into effect. The effective date is 31st January 2013.
- 6.2 The Act requires that publication is to be:-
- On the Council's website, and
 - For public inspection in one or more public libraries or other premises in the Council's area such as the Council's own offices.

- 6.3 The Council must advertise the publication of the Statement of Principles by publishing a notice on the Council's website and in one or more of the following places:-
- A local newspaper circulating in the area covered by the Statement.
 - A local newsletter, circular or similar document circulating in the area covered by the Statement.
 - A public notice board in or near the principal office of the Council
 - A public notice board on the premises of public libraries in the area covered by the Statement.
- 6.4 Due to the publication and advertising requirements the Council will need to approve and publish the Statement of Principles no later than 3rd January 2013 and will therefore need to agree the revised Statement at Full Council on 29th November 2012.

7.0 Financial Implications

- 7.1 The recommendations have no impact on the Council's budgets.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

- 8.1 The legal implications are adequately dealt with in the main body of the report

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 The risk management implications for this report and Statement of Principles are as follows:-

- Statement of Principles unfair, or too prescriptive.
- Revised Statement of Principles not published on time (on or by 3rd January 2013)
- Consultation is inadequate

10.0 People Impact Assessment (PIA):

- 10.1 A screening Assessment has been carried out and considered the following factors; Disability, Race, Age, Gender, Transgender, Sexual Orientation, Religion and socio-economic groups.

- 10.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, there a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

- 11.1 The statement of principles promote community safety because the Gambling Act licensing objectives prevent gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.

Sustainability

- 11.2 None

Staffing & Trade Union

- 11.3 None

Background Documents:

Gambling Act 2005

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

Regulations 2006 (S.I. 636 of 2006)

LACORS Draft template statement of Principles and Notes

Gambling Commission's guidance to Licensing Authorities (3rd Edition)

HM Government Code of Practice on Consultation