

LICENSING COMMITTEE – 26 SEPTEMBER 2012

RE: GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES REPORT OF DEPUTY CHIEF EXECUTIVE COMMUNITY DIRECTION



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED – ALL WARDS

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the comments of the Licensing Committee on the statutory revision of the Council's Statement of Principles, as required to be renewed every 3 years by the Gambling Act 2005.

2. RECOMMENDATION

- 2.1 That the Committee note the contents of the report and resolve to approve the attached draft of the three year Statement of Principles (Appendix A) for the purpose of consultation.

3. BACKGROUND TO THE REPORT

- 3.1 Hinckley & Bosworth Borough Council is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.
- 3.2 When reviewing its Statement of Principles, the Council are required to consult with:-
- 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 this Act.
- 3.3 The Council must also ensure that they comply with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006). These 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.
- 3.4 These regulations require that a Statement is published by being made available for a period of at least 4 weeks before the date on which it will come into effect:-
- on the Authority's website, and
 - for public inspection in one or more public libraries or other premises in the Borough such as the Council Offices.

- 3.5 The Council must also advertise the publication of the reviewed Statement of Principles by publishing a notice on the Authority's website and in one or more of the following places:
- 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 authority,
 - a public notice board on the premises of public libraries in the area covered by the statement.
 - a local newspaper circulating in the area covered by the statement.
- 3.6 The Gambling Commission was set up under the Gambling Act 2005 and was formally established in October 2005. It has taken over the role previously played by the Gaming Board for Great Britain in regulating casinos, bingo, gaming machines and lotteries.
- 3.7 The Commission also has responsibility for the regulation of betting and remote gambling, as well as helping to protect children and vulnerable people from being harmed or exploited by gambling. The Commission is also responsible for advising local and central government on issues related to gambling.
- 3.8 Under the terms of the Gambling Act 2005 the Council's licensing responsibilities came into force on 01 September 2007. These included licensing any premises used for gambling, regulating the use of gaming machines, granting permits to amusement arcades, issuing Temporary Use Notices and registering small society lotteries.
- 3.9 Having reviewed the current Statement of Principles the Principal Licensing Officer sees no need to amend the policy as it is up to date with current case law and the Gambling Commission's Guidance to Licensing Authorities.
- 3.10 Due to the publication and advertising requirements, the Council will need to approve and publish the Statement of Principles no later than 31 December 2012 and therefore will need to agree the revised Statement of Principles at the Executive meeting on 7 November 2012 prior to adoption at the Council meeting on 13 November 2012.

4. FINANCIAL IMPLICATIONS [AG]

- 4.1 There are no financial implications arising from this report other than the costs of publicising the policy. This can be done through the Borough Bulletin and public notice boards at the council offices and public libraries. The costs will be negligible and will be met from existing budgets.

5. LEGAL IMPLICATIONS [MR]

- 5.1 Set out in the report.

6. **CORPORATE PLAN IMPLICATIONS [RP]**

6.1 Objective 3 – Safer and Healthier Borough

6.2 To ensure that the Authority meets its statutory obligations under the Licensing Act 2003. For the most part to ensure licence holders comply with the four licensing objectives.

7. **CONSULTATION [MB]**

7.1 It is proposed that the draft policy will now be sent to:

- The Chief Officer of Police
- The Leicestershire Safeguarding Children Board
- Persons carrying on gambling businesses within the Borough
- Groups representing vulnerable persons

7.2 The policy will be available on the Council's website and will invite comment.

7.3 Once the consultation period has been completed, any responses will be collated and the policy may be revised in the light of representations/comments made. Any revised document will then be brought back before the Licensing Committee for further consideration prior to the document being recommended to full Council for adoption.

8. **RISK IMPLICATIONS**

8.1 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
The main risks associated with the decision are failure to approve a revised draft policy in sufficient time to allow an adequate period for public consultation. This could lead to any subsequent decisions about licence applications being challenged via judicial review.	The importance of this risk is high but unlikely to occur if the Licensing Committee approve the draft policy statement attached to this report and the Council subsequently takes full account of any relevant representations received.	Mark Brymer

9. **RURAL IMPLICATIONS**

9.1 None.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications [SS] - None
 - Environmental implications - None
 - ICT implications - None
 - Asset Management implications - None
 - Human Resources implications - None
 - Planning Implications - None
 - Voluntary Sector - None
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Background papers: Gambling Act 2005

Gambling Commission Guidance to Licensing Authorities 3rd Edition
Gambling Act 2005 (Licensing Authority Policy Statement) (England
and Wales) Regulations 2006 (S.I 636 of 2006)

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