

## LICENSING COMMITTEE – 5 NOVEMBER 2012

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



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

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#### 1. PURPOSE OF REPORT

- 1.1 To consider the Gambling Policy (Statement of Principles) in light of the recent consultation exercise and for the Committee to recommend the document for adoption by the Council. A copy of the Statement of Principles is deposited in the Members' Room and is on the Council's website for reference.

#### 2. RECOMMENDATION

- 2.1 That Licensing Committee agrees this Authority's Gambling Policy (Statement of Principles) for approval to full Council for adoption.

#### 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 renewing 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 revised Statement of Principles by publishing a notice on the Authority'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 authority,
  - a public notice board on the premises of public libraries 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 1 September 2007. These included licensing any premises used for gambling, regulating the use of gaming machines, granting permits to certain types of amusement arcades, issuing Temporary Use Notices and registering small society lotteries.
- 3.9 In drafting the Statement of Principles consideration has been given to the following factors:
1. Guidance issued by the Gambling Commission on various aspects of administering the gambling legislation.
  2. Case law which has clarified various aspects of Gambling Act 2005
- 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 prior to adoption at the Council meeting on 13<sup>th</sup> 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 website, 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**

6.1 Objective 3 – Safer and Healthier Borough

6.2 To ensure that the Authority meets its statutory obligations under the Gambling Act 2005. For the most part to ensure licence holders comply with the three licensing objectives.

7. **CONSULTATION**

7.1 Consultation has been undertaken with a wide range of persons and organisations with an interest in the development and adoption of a revised Statement of Principles:-

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

7.2 The Statement of Principles has been published on the Council’s website and comments have been sought on the proposals being made.

7.3 From the consultations carried out, no adverse representations have been received.

8. **RISK IMPLICATIONS**

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

<b>Management of significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
The Council (Licensing Authority) must prepare and publish a statement of the principles that they propose to apply in exercising its functions under the Act. This is a statutory requirement under the Act and in line with the Gambling Commissions Guidance.	Statutory requirement for the policy to be reviewed every three years following a full consultation with statutory consultees.	Mark Brymer

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

9.1 None.

10. **CORPORATE IMPLICATIONS**

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

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

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Background papers: Gambling Act 2005

Gambling Commission Guidance to Licensing Authorities 4<sup>th</sup> Ed.

Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006)

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