

## **SOUTH HOLLAND DISTRICT COUNCIL**

**Report of: Assistant Director of Commissioning**

**To: Licensing Committee – 13 November 2012**

**Author: Fiona Inston – Licensing and Business Support Manager**

**Subject: Revised Statement of Principles – Gambling Act 2005 policy**

**Purpose: Consider the draft revised Statement of Principles for the Gambling policy and refer it to Full Council for approval**

<p><b>Recommendation:</b> The Licensing Committee and then full Council to consider then approve the revised Statement of Principles in order for South Holland District Council to act as the licensing authority to discharge its statutory duties under the Gambling Act 2005.</p>
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### **1.0 BACKGROUND**

- 1.1 The Gambling Act 2005 came fully into effect on 1 September 2007 creating a new system of licensing and regulation for commercial gambling in this country. Local Authorities have regulatory responsibilities for licensing certain gambling activities. The Act also created an independent non-departmental public body the Gambling Commission sponsored by the Department for Culture, Media and Sport.
- 1.2 Under section 349 of the Gambling Act 2005 a licensing authority is required to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under this Act before each successive period of three years. The current statement of principles was both published and came into effect in January 2010.
- 1.3 To assist local authorities the Act requires the Gambling Commission to issue statutory guidance to Licensing Authorities on the manner in which they are to exercise their functions under the Act and the principles to be applied by them in exercising those functions. Licensing Authorities are required to take into account such guidance. The statutory guidance is designed to ensure the spread of best practice and consistency of approach in decision making by local authorities, whilst not preventing them from properly exercising the discretion they have to take account of appropriate and relevant local issues.
- 1.4 A review of the current Statement of Principles has been completed and a revised draft prepared. This draft is based on the 4<sup>th</sup> Edition of the Guidance issued to licensing authorities published by the Gambling Commission and a template statement issued by the Local Government Association. This statement has amended the previous one and is in line with the national advice given. The proposed draft revised Statement of Principles is attached at Appendix A.

- 1.5 Final approval of the Statement of Principles must be made by Full Council. The Statement of Principles is scheduled to be published January 2013 and to come into effect 31<sup>st</sup> January 2013.
- 1.6 In accordance with the requirements the draft revised Statement of Principles was under consultation from 19<sup>th</sup> July 2012 until 11<sup>th</sup> October 2012. The consultation was carried out in accordance with guidance issued by the Gambling Commission and the HM Government Code of Practice on Consultation. There is a requirement under section 349(3) Gambling Act 2005 for the licensing authority to consult the following bodies on the Statement of Principles and subsequent revision to it:-
- 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.
- 1.7 In accordance with this, we have consulted widely on the draft Statement of Principles with the Responsible Authorities under the Act (Lincolnshire Constabulary, Lincolnshire Fire Service, Environmental Health, Social Services, Planning, Gambling Commission, HM Revenue & Customs). All holders of South Holland District Council issued gambling permissions were consulted along with a variety of interested parties including Citizen's Advice Bureaus, Chamber of Commerce, Public Health Board, machine suppliers, industry bodies and problem gambling charities. The draft statement was also placed on the South Holland District Council website.
- 1.8 No responses to the draft Statement of Principles were received.
- 1.9 The revisions to the Statement of Principles include an updated introduction, updates to documents referred to, new information on test purchasing, information on gambling as a primary activity, updates on gaming machines and provision of updated Responsible Authority contact details.

## 2.0 **OPTIONS**

- 2.1 The options for the Licensing Committee are limited as the process is legislative and dictated by the Gambling Act 2005. The Council has no discretion as to making the Statement of Principles, although there is some discretion as to the content of the statement.

The Licensing Committee is requested to:-

1. Consider the draft revised statement of principles and
2. Refer the Statement of Principles to Full Council for approval

## 3.0 **REASONS FOR RECOMMENDATION**

- 3.1 To ensure South Holland District Council acting as the Licensing Authority can discharge its statutory duties under the Gambling Act 2005.

#### **4.0 EXPECTED BENEFITS**

- 4.1 The benefit of this report is that the Gambling Policy will be updated and revised in accordance with legislative framework which reduces the risk of legal challenge to the Council.

#### **5.0 IMPLICATIONS**

##### **5.1 Legal**

- 5.1.1 It is a statutory requirement that the Licensing Authority produces a Statement of Principles that it proposes to apply in exercising its functions under the Gambling Act 2005 and that it reviews it at least every three years.

##### **5.2 Risks**

- 5.2.1 If the Authority does not produce a revised statement of policy and related procedures within the statutory timescale, there is a risk that the Authority will not be in a position to process applications, leaving the Authority open to challenge by persons wishing to make such applications. Furthermore, the Authority will also have failed to comply with its legal obligations under the Act and could face challenge.

##### **5.3 Financial**

- 5.3.1 None

##### **5.4 Timescales**

- 5.4.1 Final approval of the Statement of Principles must be made by Full Council and the Statement of Principles is scheduled to be published January 2013 and to come into effect 31<sup>st</sup> January 2013.

##### **5.5 Equality and Diversity**

- 5.5.1 None

##### **5.6 Stakeholders / Consultation**

- 5.6.1 The policy was consulted on for 12 weeks. Details on consultation can be seen in 1.7 of this report

##### **5.7 Contracts**

- 5.7.1 None

##### **5.8 Section 17, Crime & Disorder Act 1998**

- 5.8.1 None

##### **5.9 Other**

5.9.1 None

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All

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Background papers:-

Gambling Act 2005 [www.legislation.gov.uk/ukpga/2005/19/contents](http://www.legislation.gov.uk/ukpga/2005/19/contents)

Gambling Commission - Guidance to Local Authorities  
[www.gamblingcommission.gov.uk/pdf/GLA4%20September%202012.pdf](http://www.gamblingcommission.gov.uk/pdf/GLA4%20September%202012.pdf)

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**Director/Officer who will be attending the Meeting**

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**Appendices attached to this report:**

Appendix A: Draft Statement of Principles