

REPORT TO CABINET

Open	Would any decisions proposed :		
Any especially affected Wards	(a) Be entirely within cabinet’s powers to decide NO		
	(b) Need to be recommendations to Council YES		
	(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Adrian Lawrence E-mail: adrian.lawrence@west-norfolk.gov.uk	Other Cabinet Members consulted:		
	Other Members consulted: Licensing Committee		
Lead Officer: Vicki Hopps E-mail: vicki.hopps@west-norfolk.gov.uk Direct Dial: 01553 616307	Other Officers consulted: Geoff Hall, Licensing Team, Legal Services		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Risk Management Implications NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)			

Date of meeting: 26th November 2015

TITLE: Gambling Act 2005 - Statement of Principles

Summary

The Gambling Act 2005 requires every local authority to agree a Statement of Principles (previously referred to as ‘Statement of Licensing Policy’) in accordance with the Statutory Guidance issued under the Act. The policy has been drawn up in accordance with the guidelines issued by the Gambling Commission and has been subject to consultation.

Recommendation

That the Council be invited to adopt the Statement of Principles in accordance with the requirements of the Gambling Act 2005.

Reason for Report

It is a Statutory requirement that the Council adopts a Statement of Principles

1.0 Background

1.1 The Gambling Act 2005 (the ‘Act’) requires all local authorities to publish a Statement of Principles each three-year period. Our current policy was approved by Full Council on the 29th November 2012.

1.2 Regulations require that local authorities have their statement of principles in place by the 31st January 2016.

2.0 Consultation

2.1 The Guidance to Licensing Authorities issued by the Gambling Commission advises on how the policy is to be formulated and the consultation process to which it will be subjected. The Act requires that the following parties are consulted:

- The Chief Officer of Police
- One or more persons who appear to the authority 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

2.2 A list of persons we consulted can be found at Annex A to the Draft Statement of Principles (attached). In addition, the consultation has been open to the public on the Borough Council's website.

2.3 The changes proposed are highlighted in yellow in the attached document, Appendix 1.

2.4 A summary of the changes are:

- 15.0 –Local Profiling: Identification of any “high risk areas” through carrying out a risk assessment
- 36.0 – Small Society Lotteries: In determining whether the Society is non-commercial the Borough Council may require applicants to provide copies of the society's constitution or terms of reference.

2.5 The consultation ends on 9th October and any comments received will be appended to the report.

3.0 Review

3.1 Regulations issued under the Act require that the statement of principles be formally reviewed every three years although it can be reviewed and changed at any time if required.

4.0 Delegation of Functions

4.1 The Act delegates the Licensing Authority's functions to the same Licensing Committee established under the Licensing Act 2003 with the exception of the Authority's function to publish a three-year statement of principles and the power to resolve not to grant casino licences. These two matters can only be dealt with by Full Council.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications.

6.0 STATUTORY CONSIDERATION

- 6.1 It is a statutory requirement that we review our statement of principles at least every 3-year period.

7.0 RISK ASSESSMENT

- 7.1 The risk of not adopting the statement of principles means that the Borough Council will not be able to conduct any of its statutory functions (issue licences and permits and enforcement) under the Gambling Act 2005 after the 31st January 2016.

8.0 EQUALITY IMPLICATIONS

- 8.1 There are no equality implications.

Attached Papers

1. Gambling Act 2005 - Draft Statement of Principles (DRAFT)

Background papers

1. The Gambling Act 2005
2. The Gambling Commission's Guidance to Licensing Authorities (4th Edition) dated February 2013.