

EAST HERTS COUNCIL

LICENSING COMMITTEE – 8 MARCH 2012

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

9. GAMBLING ACT 2005 – TIMETABLE FOR REVISION OF STATEMENT OF LICENSING PRINCIPLES

WARD(S) AFFECTED: ALL

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<b>RECOMMENDATION FOR DECISION:</b> that	
A	The report be received.

Purpose/Summary of Report

- This report details the timetable for review and implementation of the Statement of Licensing Principles under the Gambling Act 2005.

1.0 Background

1.1 The Gambling Commission is the regulator for gambling in Great Britain, including the licensing of bingo, bookmakers and casino operators, pools operators, certain lottery operators and managers, gaming machine manufacturers and suppliers and remote gambling operators. In addition the Commission is responsible for all personal licences.

2.0 Report

2.1 East Herts Council is responsible for issuing premises licences, permits and registrations.

2.2 The Licensing Authority (East Herts Council) is required to prepare, consult and then publish a Statement of Principles that it proposes to apply in exercising its functions under The Gambling Act 2005. The Statement must be reviewed every three years, and is now due for republication by January 31st 2013.

2.3 The statement must be published on the licensing authority's website and in one of the places set out in the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

- 2.4 The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales)Regulations 2006 determines the form of the statement and details the areas that should be covered within the statement. This includes an introductory section summarising the matters dealt with in the statement, a description of the geographical area in respect of which the authority exercises its functions under the Act and a list of persons whom the authority has consulted in preparing the statement.
- 2.5 Furthermore, the following matters must also be set out in a separate section:
- the principles to be applied by the authority in exercising the powers under Sec 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm;
  - the principles to be applied by the authority in exercising the powers under Sec.158 of the Act to determine whether a person is an interested party in relation to a premises licence, or an application for or in respect of a premises licence;
  - the principles to be applied by the authority in exercising the functions under Sec.29 and 30 of the Act with respect to exchange of information between it and the Gambling Commission, and the functions under Sec.350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 of the Act
  - the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Sec. 346 of the Act to institute criminal proceedings in respect of the offences in that section.
- 2.6 The regulations also detail the procedure to be followed in preparing or publishing a statement. In this respect, East Herts Council is following the statutory procedure.
- 2.7 March to July 2012; Officers will revise the existing statement, taking into account any suggestions from Members. Revision will include updating facts, figures, and references to revised guidance, and improving the readability of the text where needed. Officers will also arrange a 12 week consultation.
- 2.8 Licensing Committee 12 July 2012; Officers will present a draft revised Statement to Licensing Committee.

- 2.9 July to October 2012; Subject to final amendments at Committee Officers will put the revised draft out for 12 weeks consultation. Authorities are required to consult widely with Responsible bodies, such as Police and also representatives of local organisations. A list of all consultees is attached at Appendix B to the Statement.
- 2.10 It is likely that changes will be minor in nature, and therefore the draft Statement will be published on the council's website only. Consultees will be contacted by post with invitations to comment on the proposed changes.
- 2.11 Responses to consultation will be reported to Licensing Committee on 1 November 2012. Licensing Committee will be invited to approve any changes required as a result of public consultation.
- 2.12 Full Council will be invited to approve the revised Statement, at the first Council meeting in 2013.

### 3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

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ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	<b>Promoting prosperity and well-being; providing access and opportunities</b> <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	See report.
Legal:	No issues that require approval identified by Contact Officer or Report Author.
Financial:	No issues that require approval identified by Contact Officer or Report Author.
Human Resource:	No issues that require approval identified by Contact Officer or Report Author.
Risk Management:	No issues that require approval identified by Contact Officer or Report Author.