

EAST HERTS COUNCIL

LICENSING COMMITTEE – 12 JULY 2012

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

9. GAMBLING ACT 2005: STATEMENT OF LICENSING PRINCIPLES

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report details the 12 week consultation process during July to October 2012 to consider draft changes to the Statement of Licensing Principles under the Gambling Act 2005.

<u>RECOMMENDATION FOR LICENSING COMMITTEE:</u> That:	
(A)	The statement detailed in Essential Reference Paper B and the consultation process be considered.

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.
- 1.2 East Herts Council is responsible for issuing premises licences, permits and registrations.
- 1.3 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.
- 1.4 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.

- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 Consultation is proposed to take place in the 12 week period from to 5th October 2012. Responses are invited from Members in

their capacity as consultees. Responses will be reported to Licensing Committee on 1 November 2012.

2.0 Report

- 2.1 Apart from minor and cosmetic changes, and to update figures such as mid-year population estimate, there are no suggested changes to the current statement of Licensing Principles.
- 2.2 The determination of the Statement of Principles must be by the Full Council, and it is intended that this will take place in January 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'**.

Background Papers

None.

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