



AGENDA ITEM: 6
SUMMARY

Report for:	Licensing Health & Safety and Enforcement Committee
Date of meeting:	24th July 2012
PART:	1
If Part II, reason:	

Title of report:	Gambling Act 2005 – Review of Statement of Principles
Contact:	Ross Hill (Licensing Team Leader)
Purpose of report:	To outline proposed amendments to the Statement of Principles, and to seek approval to commence public consultation as required under the Act
Recommendations	To note the proposed amendments to the Statement of Principles, and instruct officers to commence public consultation as set out in this report.
Corporate objectives:	<p>Building Community Capacity</p> <ul style="list-style-type: none"> The Statement of Principles sets out the ways in which the licensing authority will seek to promote the licensing objective of ‘protecting children and other vulnerable persons from being harmed or exploited by gambling’ through the exercise of its licensing functions <p>Dacorum Delivers</p> <ul style="list-style-type: none"> The Statement of Principles is a statutory obligation, and failure to comply could lead to reputational damage for the Council and possible legal action.
Implications:	<u>Financial</u>
	None
‘Value For Money Implications’	<u>Value for Money</u>
	None
Risk Implications	None

Equalities Implications	None
Health And Safety Implications	None
Consultees:	Should the Committee approve the proposed changes to the Statement of Principles, public consultation will be carried out in accordance with statutory requirements, as set out in Appendix B of the draft Statement.
Background papers:	Draft Statement of Principles 2013-2016 Gambling Act 2005 Gambling Commission Guidance to Licensing Authorities, 3 rd edition
Glossary of acronyms and any other abbreviations used in this report:	

1 BACKGROUND

- 1.1. Commercial gambling in the UK is regulated under the Gambling Act 2005, which provides a system of licences, notifications, permits and registrations for the authorisation of various gambling activities.
- 1.2. Dacorum Borough Council is a licensing authority under the 2005 Act, with responsibility for regulating premises-based, non-remote gambling through the issue of premises licences, gaming machine and prize gaming permits, temporary and occasional use notices, and the registration of non-commercial societies for the promotion of small society lotteries.
- 1.3. Section 349 of the Act requires every licensing authority to prepare and publish “a statement of the principles that they propose to apply in exercising their functions under this Act” for each successive three-year period. Regulations made under the Act set the first day of the first such period as the 31st January 2007.
- 1.4. It is now necessary to prepare and publish Dacorum’s Statement of Principles for the period running from the 31st January 2013 to the 30th January 2016. Officers have produced a draft Statement of Principles for this period, based upon the current version and updated to reflect legislative changes, and this document is attached as Appendix A.
- 1.5. At the time of writing, Dacorum has issued 23 premises licences under the 2005 Act, for high street betting shops [betting (other) licences] and amusement arcades [adult gaming centres]. All applications relating to these licences to date have been dealt with by officers under delegated powers – no application has yet been considered by the Licensing of Alcohol and Gambling Sub-Committee.

2. NATURE OF REVISIONS

- 2.1. The format of the draft Statement of Principles has been revised since the last version, and paragraphs have been extensively rearranged and rewritten to help improve the readability of the document. Paragraph numbers have also been added to aid referencing.
- 2.2. Several changes have resulted from amended legislation, case law, and changes to the Gambling Commission's Guidance to Licensing Authorities, published since the last version was agreed. A small amount of content has also been removed from the Statement of Principles, in particular tables showing the stake/prize levels of gaming machine categories (which are set by Regulations, and which in future will be made available as a separate document to allow for easier updating), a glossary of terms (which are defined in primary legislation), and much of the detail about the populace of Dacorum (which is publicly available in alternate documents).
- 2.3. Reference is made throughout the Statement to the 3rd edition of the Gambling Commission's Guidance to Licensing Authorities, the legal document which the Commission are required to publish under section 25 of the Act. The Commission have recently consulted on the 4th edition of this Guidance, which is expected to be published later this year. Further changes may need to be made to the draft Statement of Principles after the Guidance is released, in order to correctly reflect any changes made.

3. CONSULTATION REQUIREMENTS

- 3.1. Consultation on a Statement of Principles (or revision thereof) must be carried out in accordance with section 349(3) of the Act, which requires that the authority consults the chief officer of police for the area, one or more persons representing the interests of gambling businesses in the area, and one or more persons representing the interest of other persons likely to be affected by the exercise of the authorities functions.
- 3.2. A list of proposed consultees, drawn up with regard to these requirements, is included on page 27 of the draft Statement of Principles.
- 3.3. Details of the proposed Statement will also be made publicly available on the Dacorum Council website, allowing any other person not in this list to view the proposals and make comments.
- 3.4. There are no statutory requirements on the manner of consultation, which is left to the discretion of the licensing authority, although it is advisable that any consultation is carried out insofar as is possible in accordance with the principles of the Government's Code of Practice of Consultation. It is therefore proposed to publish details of the draft Statement of Principles on the Dacorum website, and to send consultation information with a link to the website to the identified consultees. Hard copies of the consultation documents will also be made available upon request.

4. PROPOSED TIMELINE

- 4.1. Adoption of the Statement of Principles is a function of the full Council. In order to ensure that the Statement has been adopted in sufficient time so as to take effect from the prescribed date, the following timeline is proposed:

Date	Action
24 th July 2012	Presentation of draft Statement of Principles to Licensing and Health & Safety Enforcement Committee
31 st July 2012 (latest)	Publication of draft Statement of Principles, related documents and consultation details on www.dacorum.gov.uk Information sent to identified consultees with links to consultation details and documents Start of consultation
2 nd September 2012	Deadline for receipt of responses to consultation
18 th September 2012	Presentation to Licensing and Health & Safety Enforcement Committee of consultation responses and any resulting amendments to the draft Statement of Principles
23 rd October 2012	Cabinet meeting, presentation of draft Statement of Principles with request for endorsement
21 st November 2012	Full Council meeting, presentation of Statement of Principles with request for adoption
2 nd January 2013 (latest)	Publication of adopted Statement of Principles
31 st January 2013	Statement of Principles 2013-2016 to take effect

4.2. Regulations made under the Act require that the adopted Statement of Principles is published and made available for inspection, both on the authority's website and at their principal offices or public libraries, at least four weeks prior to coming into force.

5. RECOMMENDATIONS

5.1. That the Committee note the proposed amendments to the draft Statement of Principles for the period 31 January 2013 to 30 January 2016, and instruct officers to commence consultation as set out in this report.

APPENDIX A – DRAFT STATEMENT OF PRINCIPLES 2013-2016