

Forest Heath District Council

(This report is a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

Report of the Portfolio Holder for Environment and Waste

CABINET

4 DECEMBER 2012

CAB12/044

TRIENNIAL REVIEW OF GAMBLING STATEMENT OF PRINCIPLES (Key Decision Reference DEC12/03B)

1. Summary and reasons for recommendation(s)

- 1.1 The Council is the Licensing Authority for the purposes of the Gambling Act 2005 (the Act). The licensing authority has a duty to adopt and publish a final version of this document by 3 January 2013 to take effect from 31 January 2013. It will be in effect for a period of three years (unless revised sooner) and form the basis of decisions made by the licensing authority when dispensing functions under the Gambling Act 2005. Therefore if you have any comments or concerns then please take the opportunity to raise them during the consultation period.
- 1.2 The draft Statement of Principles will ensure a transparent approach to the determination of applications, which will take account of the Council's responsibilities as Licensing Authority for the regulation of Gambling Premises, Gambling Permits and Society Lottery Registrations. For ease of reference, proposed changes to the draft statement have been tracked.
- 1.3 At the time of writing this report, the statement is undergoing public consultation. Verbal feedback on the outcome of the consultation will be provided to Cabinet Members for consideration and to allow for possible inclusion or amendment to the final Statement of Principles.
- 1.4 The purpose of this report is to seek Cabinet approval for submission to Council for adoption of the revised Gambling Act 2005 – Statement of principles as attached at **Appendix 1**.

2. Recommendation(s)

- 2.1 **Cabinet are requested to review and approve the revised Gambling Act 2005 - Statement of Principles for approval and adoption at Council.**

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3. How will the recommendations help us meet our strategic priorities?

- 3.1 The Statement of Principles which forms the basis of decisions when dispensing the Licensing Authority's functions in respect of gambling can have a positive impact on the priority of a stronger local economy and a more active community and will also assist in ensuring an efficient and effective service provision.

4. Key issues

- 4.1 The Gambling Act 2005 came into force on 1 September 2006 and the Council adopted a Statement of Licensing Principles which was published January 2007 and subsequently re-adopted and published in January 2010.
- 4.3 The Act currently requires the Council, as the Licensing Authority, to review its Statement of Principles every three years. The Council must review the existing statement and adopt any changes so that they may take effect from 31 January 2013.
- 4.4 A representative from the Gambling Commission has advised Suffolk Licensing Officers Group, that the Statement of Licensing Principles does not need any significant changes on this occasion. Officers have however worked on ensuring the statement for Forest Heath is aligned with that of St. Edmundsbury for ease of it operational use in a shared service as well as taking into account revised guidance from the Gambling Commission. As a result of this, some sections have moved position within the revised statement. Other minor changes have also been made and these have been highlighted using track changes.
- 4.5 With the agreement of the Portfolio Holder and in consultation with the Chair of the Licensing Committee the responses to the consultation will be reported to Cabinet in order that Full Council can adopt the Statement at its meeting on 12 December 2012. Any relevant amendments arising from the public consultation would be included.
- 4.6 The latest date by which the Licensing Statement of Principles must be published is 3 January 2013.

5. Other options considered

- 5.1 One option is to not re-adopt a Licensing Statement of Principles in respect of the Gambling Act 2005. This would result in the District Council, as the Licensing Authority, not complying with the requirements of the Act and it would be unable to lawfully determine any applications.

5.2 The preferred option is to amend the Statement of Principles if the public consultation raises any relevant issues and subsequently approve and adopt.

6. Community impact

6.1 Crime and Disorder Impact

The prevention of crime and disorder is a licensing objective under the Gambling Act, and the policy sets out what the Council as Licensing Authority may consider when determining applications, in order to promote this objective.

6.2 Diversity and Equality Impact

The proposed draft has been reviewed and an Equality Impact Assessment will be undertaken in full. At this stage no impacts have been identified.

6.3 Sustainability Impact

The proposed draft has been reviewed and a Sustainability Impact assessment will be undertaken. At this stage no impacts have been identified.

6.4 Other impact

6.4.1 None identified.

7. Consultation

7.1 In accordance with the requirements under the Act and its Regulations, correspondence inviting comments on the draft statement of licensing principles has been sent to:

- (a) the Chief Officer of Police;
- (b) the Suffolk Safeguarding Children Board;
- (c) persons carrying on gambling businesses within the district;
- (d) groups representing vulnerable persons;
- (e) Parish and Town Councils; and
- (f) Residents' Associations.

7.2 The draft statement is also available on the Council's website and a public notice has also been placed in a local newspaper in accordance with the legislative requirements.

7.3 The timetable for consultation:

Report to Licensing Committee – for noting and comment	19 November 2012
Public Consultation Note: this is a limited consultation in terms of time as there are few significant changes identified in this review of the policy. A further review of the policy will take place at a later date to ensure its consistency across both St Edmundsbury and Forest Heath, and significant changes could be dealt with at that time.	2 November to 30 November 2012
Report to Cabinet - Consideration of policy in the light of responses to public consultation and impact assessments	4 December 2012
Adoption of Policy by full Council	12 December 2012

8. Financial and resource implications

- 8.1 Income is generated from the application fees for the various licences, permits, temporary use notices and occasional use notices which may be applied for, and the annual charges which follow from these licences and permits. Steps are being taken to ensure that Forest Heath applies consistent fees with St. Edmundsbury Borough Council as currently some slight differences are apparent.

9. Risk/opportunity assessment

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	High/Medium/Low		High/Medium/Low
Failure to adopt a revised statement of principles	High	Process of consultation and plans for its approval and adoption in place.	Low

10. Legal and policy implications

- 10.1 The Statement of Principles forms part of the Council's policy framework and determining licence applications and reviews remains a non-executive function exercised by the Licensing Committee and its Gambling Act Sub-Committees.

11. Ward(s) affected

- 11.1 All

12. Background papers

- 12.1 Gambling Commission Guidance to licensing authorities 4th edition – September 2012

13. Documents attached

- 13.1 Appendix A – Draft Gambling Act 2005 – Statement of Principles 2013 to 2016