

24th NOVEMBER 2006

**REPORT OF DIRECTOR OF
NEIGHBOURHOOD
SERVICES**

PORTFOLIO – Safer Communities

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

RECOMMENDATION

That the Statement of Principles be considered and approved by Council.

That a separate report be submitted to Council making proposals for revisions to the remit of Licensing Committee 2 and to the scheme of delegations for officers.

KEY CONTENT

The Gambling Act 2005 received Royal Assent on 7 April 2005.

Under the Act, Local Authorities will have a range of new responsibilities related to gambling.

Currently the Magistrates Court grant the majority of gaming and betting permits. Under the new legislation, the Gambling Commission and the Council will share responsibility for all matters previously regulated by the Magistrates Court. The Commission will be responsible for granting operating and personal licences for commercial gambling operators and personnel working in the gambling industry. The Local Authority will have new powers to license gambling premises in the Borough as well as issuing permits and other permissions.

The Act requires the Authority to prepare and publish a Statement of Principles every 3 years. The Statement is an important document and outlines how the Licensing Authority intends to approach its various licensing duties when considering any application.

Every Local Authority must therefore consult, determine and publish a Statement of Principles with respect to the exercise of its licensing function by the 3rd January 2007. The Act will be fully implemented on the 1st September 2007.

Following the completion of a 12 week public consultation exercise the draft Statement of Principles was further considered by Scrutiny 2 Committee on the 24th October and by Licensing Committee 2 on the 13th November 2006.

RESOURCE IMPLICATIONS

Licence fees have yet to be set by Government. Any resource implications relating to the administration and enforcement of the Act can therefore only be fully considered once the licence fees have been determined.

CONSULTATION

The Act requires that in preparing the Statement of Principles the Authority shall consult:

- The Chief Officer of Police
- One or more persons who appear to the Local Authority to represent the interests of persons carrying on gambling in the Authority's area.
- One or more persons who appear to the Local Authority to represent the interests of persons likely to be affected by the exercise of the Authority's functions under the Act.

The list of persons to be consulted is deliberately wide to enable Local Authorities to undertake a comprehensive consultation process.

A full list of consultees is outlined in the Statement

OTHER MATERIAL CONSIDERATIONS

Links to Corporate Objectives/Values

The Statement of Principles notes that "The Council has adopted the Community Strategy's ambitions to creating a healthy, prosperous, attractive borough with strong communities" and recognises the importance of linking its future strategic objectives to these aims together with priorities that relate to community needs and aspirations. It is expected that the implementation of this policy will contribute significantly to the Council's key ambitions".

Risk Management

No additional implications have been identified.

Health & Safety

No additional implications have been identified.

Equality & Diversity

Full account has been taken of the Borough Council's obligation to promote equality and diversity. The "Statement" will be made available in alternative languages, Braille and audio format where requested

Legal & Constitutional

The Gambling Act 2005 requires the Council to approve and publish the Statement of Principles.

Information Communication Technology

There are no specific issues to report.

Sustainability

No material considerations have been identified.

Human Rights

In carrying out its Licensing functions the licensing authority will have regard to the human Rights Act and in particular Article 6 Right to a Fair Hearing and Article 1 of the first protocol Protection of property. Everyone is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence.

Social Inclusion

There are no immediate Social Inclusion issues.

Procurement

No implications have been identified

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Ward(s)

All Wards in the Borough

Key Decision Validation

Affects 2 or more wards

Background Papers

The Gambling Act 2005
Gambling Commission Guidance to Licensing Authorities.

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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