

Meeting:	Council
Meeting date:	6 March 2015
Title of report:	A Revised Statement Of Principles under the Gambling Act 2005.
Report by:	Regulatory Committee

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

County-wide

Purpose

To approve the Gambling Act Policy Statement of Principles.

Recommendation

That: the Gambling Act Policy Statement of Principles as appended to the report be approved.

Alternative Options

1. To decline to approve the Statement of Principles. This is not recommended because it would in effect mean that the authority had no policy and would not meet the current legislative requirements.

Reasons for Recommendations

2. The Statement of Principles has undergone the proper consultation process and now meets the requirements as laid down in the legislation.
3. The Statement of Principles will guide the authority in dealing with matters under the Gambling Act and will comply with the legislation.
4. Legislation requires this policy to be approved by Council.

Key Considerations

- 5 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Gambling Act during the three-year period to which the policy applies.
- 6 On 26 September 2014 Council approved the draft Statement of Principles for consultation.
- 7 No response to the consultation exercise was received. The Regulatory Committee on 19 February 2015 recommended that Council approve the statement of principles as appended to this report.

Community Impact

- 8 By exercising the functions correctly in respect of the Gambling Act, an appropriate balance can be struck between the requirement to protect children & the vulnerable from being harmed and exploited, whilst supporting the needs of legitimate business and the local economy.

Equality duty

- 9 There are no equality or human rights issues in relation to the content of this report.

Financial implications

- 10 The licensing section is required to operate the function on a full cost recovery basis. The fees for Gambling Act applications have not altered as this is being achieved. A robust policy which is fit for purpose is essential if full cost recovery is to be maintained.

Legal Implications

- 11 The gambling policy has been drafted to reflect current legislative requirements. All applications for licences and permits under the Gambling Act 2005 have to be made and determined in accordance with the legislation. However where discretion is allowed then the authority must consider the guidance issued to licensing authorities and their Statement of Principles in reaching their decision. Under the relevant legislation, the authority must have in place a relevant policy. Failure to do so would leave the authority in breach and open to challenge.

Risk Management

- 12 Failure to reach a decision could result in an application for Judicial Review being made.

Consultees

- 13 The consultation period ran from 10 October to 21 November 2014.
- 14 In accordance with the legislation the Licensing Section carried out the following consultation in respect of this policy.

- The Chief Officer of Police for West Mercia
- One or more persons who represent the interests of gambling businesses in Herefordshire (The major gambling operators were notified by letter of the consultation).
- One or more persons who appear to represent the interest of persons who are likely to be affected by the implementation of the Gambling Act in Herefordshire. (The HAND [Herefordshire Against Night Time Disorder] for Hereford, Ross on Wye, Ledbury, Kington, Leominster and Bromyard). In addition to this it was circulated to Parish Councils and also a Public Notice was placed in the Hereford Times.

15 No response to the consultation has been received.

Appendices

Appendix 1 - Draft Statement of Principles

Background Papers

- None identified.