

Meeting:	Regulatory Committee
Meeting date:	19th February 2015
Title of report:	A revised 'STATEMENT OF PRINCIPLES' under the GAMBLING ACT 2005.
Report by:	Head of Trading Standards and Licensing

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Countywide

Purpose

To agree the draft 'Gambling Act Policy Statement of Principles' for recommendation to Council following public consultation.

Recommendation

That: The draft Gambling Act Policy Statement of Principles be recommended to Council for approval.

Alternative Options

1. To reject the Statement of Principles. This is not recommended because it would in effect mean that in effect 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.

Key Considerations

4. The draft Statement of Principles appeared before the Regulatory Committee on 12th September, together with the proposed consultation strategy.
5. This was endorsed by the Regulatory Committee and the matter went before Council on 26th September 2014, where the draft policy and consultation strategy was approved.
6. 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.
7. The statement of principles will last a maximum of three years but can be reviewed and revised by the authority at any time.
8. This is the third statement of principles under the Gambling Act 2005, the first being approved in November 2006.
9. The licensing objectives under the Gambling Act 2005 are:
 - Preventing gambling being a source of crime or disorder
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and the vulnerable from being harmed or exploited by gambling

Community Impact

10. 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 10th October to 21st 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.
14. No response to the consultation has been received.

Appendices

Draft statement of principles

Background Papers

None.