

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

Meeting:	Licensing Committee
Date:	15 September 2010
Title:	Gambling Act 2005 Statement of Licensing Principles
Directorate:	Neighbourhood and Adult Services

5. Summary

The Gambling Act 2005 requires the Council to prepare and publish a Statement of Licensing Principles before it carries out any function in respect of applications made under the Act. The current statement of principles requires reviewing and republishing in a accordance with the requirements of the Act.

6. Recommendations

- **That the Licensing Committee gives authority to Officers to begin the process of consultation on the draft Statement of Licensing Principles (attached as Appendix A to this report) with all relevant and appropriate parties.**

7. Proposals and Details

The Gambling Act 2005 requires the Council to prepare and publish a Statement of Licensing Principles before it carries out any function in respect of applications made under the Act.

The statement must be determined with a view to promoting the three licensing objectives:

1. preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
2. ensuring that gambling is conducted in a fair and open way;
3. protecting children and other vulnerable persons from being harmed or exploited by gambling.

The current statement has been redrafted and is attached as Appendix A to this report.

The statement details how the Council intends to exercise the licensing functions imposed upon it by the Act. It states the Council's general approach to the making of licensing decisions and the regulation of licensable activities. It also provides transparency for all those affected by the licensing regime which means not only applicants for a licence, but also local residents who are able to make representations to the Council in opposition to some applications.

A Statement of Licensing Principles must be prepared and published every three years. During the three year period, the policy must be kept under review and revised as appropriate.

Section 349 (3) of the Act requires the licensing authority to consult the following on the statement of principles or any subsequent revision:

- In England and Wales, the chief officer of police for the authority's area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

The list of persons to be consulted when preparing the licensing principles statement is deliberately wide. This is to enable licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the licensing policy statement.

The groups who will be engaged are those from the business community, as well as groups representing children and young people, disabled people, faith communities, older people, rural communities and the general public, amongst others.

The methods to be used will be in line with the Government Code of practice on Consultation and will include a mail shot to those particular organisations to be consulted on and a public notice in the Rotherham Advertiser.

The views of all those that are consulted will be taken into consideration during the final drafting of the statement.

The redrafted Statement of Principles has been written in the same format as that produced by LG Regulation (the statutory body that coordinates the regulatory activities of Local Authorities). This will ensure a consistency of approach throughout the Country and also reflect any changes to the Guidance issued under the Gambling Act 2005 by the Gambling Commission since its original publication.

The redrafted and updated Statement of Licensing Principles must be approved, published and advertised as soon as possible after the consultation process has been completed.

Approval of the final draft will be required from Cabinet and then full Council before it comes into force.

8. Finance

The Council is required to consult with a wide variety of stakeholders during the consultation period. Cost effective methods of consultation will be used wherever possible (such as email and web publishing). Any costs associated with the consultation will be met by existing licensing budgets.

9. Risks and Uncertainties

Failure to review, consult on and publish a Statement of Licensing Principles is a breach of the Gambling Act 2005. It is therefore imperative that the process of consultation is commenced without undue delay.

10. Policy and Performance Agenda Implications

The development of an appropriate Statement of Licensing Principles contributes to the priority themes of Rotherham Alive and Rotherham Proud. By regulating unlicensed gambling activities, promoting the licensing objectives (including responsible gambling), the authority also contributing to the NAS priorities of creating safer neighbourhoods and protecting vulnerable adults.

11. Background Papers and Consultation

Gambling Act 2005
Department of Culture, Media and Sport (DCMS)
Gambling Commission – Draft Guidance to Licensing Authorities
LACORS / LG Regulation Statement of Principles Template and Guidance

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