

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

<b>Meeting:</b>	Cabinet
<b>Date:</b>	6th April, 2011
<b>Title:</b>	Gambling Act 2005 Statement of Licensing Principles
<b>Directorate:</b>	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 required reviewing and republishing in accordance with the requirements of the Act.

### 6. Recommendations

- **That Cabinet approves the attached Statement of Principles and recommends to full Council that the policy be adopted.**

## 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 consultation period ended on 25 October 2010 and no comments were received.

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 full Council before it comes into force.

## **8. Finance**

The Council consulted with a wide variety of stakeholders during the consultation period. Cost effective methods of consultation were used wherever possible (such as email and web publishing). Any costs associated with the consultation have been met by existing licensing budgets.

## **9. Risks and Uncertainties**

The council is under a statutory obligation to publish and periodically review a statement of licensing principles. Any risks to the council as a result of the adoption of the attached policy are considered to be minimal as the policy is based on guidance from LG Regulation (formerly LACORS).

## **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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