

**REPORT TO: LICENSING COMMITTEE - 15 SEPTEMBER 2006**

**REPORT BY: LICENSING MANAGER**

**REPORT AUTHOR: NICKII HUMPHREYS**

**THE GAMBLING ACT 2005 – Draft Statement of Licensing Principles**

**1. PURPOSE OF REPORT**

The purpose of this report is for the Licensing Committee to consider the draft Statement of Licensing Principles prepared in accordance with Section 349 of the Gambling Act 2005 (“the Act”) and approve the timetable for the period of consultation.

**2. RECOMMENDATION**

**Recommended:**

- i) That the Licensing Committee approve the draft Statement of Licensing Principles as the consultation document for the purposes of the Gambling Act 2005;**
- ii) That the Licensing Committee approve the timetable for the consultation period, consideration of responses to the consultation process and submission of reports on the final document (including any amendments if necessary) to the Licensing Committee and Council as appropriate.**

**3. BACKGROUND INFORMATION**

The Act creates a new system of licensing and regulation for commercial gambling in this country. Amongst other changes, it gives to local authorities new and extended responsibilities for licensing premises for gambling. In some cases (such as gaming machine arcades) those provisions build on existing responsibilities. But in other major areas, including betting, casino gaming and bingo, they transfer to local authorities responsibilities which previously lay with local licensing justices.

The Act makes provision for certain transitional arrangements from the current licensing systems to the new procedures to ensure a smooth changeover. The process is not dissimilar to those practices recently experienced by local licensing authorities under the Licensing Act 2003.

It is intended that applications for the new licences, permits and registrations can be made to the Gambling Commission and local authorities with effect from February 2007 and it is intended that the Act will fully be in effect from 1 September 2007.

Before the transition process can commence, the Council, as licensing authority, is required to prepare and publish a Statement of Licensing Principles.

The Statement of Licensing Principles is the policy document that the licensing authority, and indeed applicants' will refer to when considering applications for licences or permits under the Act. The term "Statement of Licensing Principles" as opposed to "Statement of Licensing Policy" is used frequently in the Act and Statutory Guidance issued by the Gambling Commission and is intended to differentiate between the Council's licensing functions under both the Licensing Act 2003 and the Gambling Act 2005.

In determining its principles, the Act states that the Council must consult with the following:

- The Chief Officer of Police
- 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 this Act.

The Statutory Guidance issued by the Gambling Commission in accordance with section 25 of the Act advises that the list of persons to be consulted when preparing the statement of licensing principles is deliberately wide. This enables licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the statement of licensing principles.

#### **4. ADVERTISEMENT AND PUBLICATION OF THE STATEMENT OF LICENSING PRINCIPLES**

Before publishing a statement or revision, the statutory regulations prescribe that authorities must publish a notice of their intention to publish a statement or revision and this must be done no less than two week before the statement or revision is to be published. The notice must:

- a) Specify the date on which the statement or revision is to be published;
- b) Specify the date on which the statement or revision will come into effect;
- c) Specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected;
- d) Be published on the authority's website and in/on one or more of the following places:
  - A local newspaper circulating in the area covered by the statement;
  - A local newsletter, circular, or similar document circulating in the area covered by the statement;
  - A public notice board on or near the principal office of the authority;
  - A public notice board on the premises of public libraries in the area

covered by the statement.

The regulations also stipulate that the statement or any subsequent revision must be published on the authority's website and be made available for inspection by members of the public in the principal office of the authority or a public library in the area covered by the statement. The statement or revision must be published at least one month before it takes effect.

## **5. PROPOSED TIMETABLE FOR CONSULTATION**

As the statement of principles must be published by no later than 1 January 2007, in order to allow for consultation upon its contents, consideration of the views received and to seek the necessary approvals through the Licensing Committee and Full Council, the following timetable of events is proposed:

<b>Date:</b>	<b>Action:</b>
15 September 2006	Licensing Committee to consider and approve draft statement of principles;
1 October 2006	Consultation period commences;
30 November 2006	Consultation period ends and consideration of representations takes place;
Early/Mid December 2006	Report to be considered by the Licensing Committee for final approval of the Statement of Principles and referral to Full Council;
19 December 2006	Statement of Principles to be considered by the Council for final approval;
1 January 2007	Final document to be published

Members should be aware that the Statement of Principles will need to be determined and published every three years following consultation with the interested parties referred to previously. It must also be kept under review throughout the three-year period.

## **7. CONSULTATION PROCESS**

To ensure that the consultation process is as effective as possible, the following steps will be taken in addition to the statutory requirements:

- Copies of the draft document and information as regards making representations will be made available on the Council's website;
- Copies of the document will be sent to all libraries and will also be available at the Licensing Section and the City Helpdesk; and

- Each member of the Council will receive a copy of the draft statement and guidance notes. A copy of the Act and the statutory guidance will be made available in each of the Members' Rooms.

## 8. APPENDICES

Appendix A – copy of the draft Statement of Licensing Principles.

**THE COMMITTEE IS REQUESTED TO DETERMINE THE MATTER**



Licensing Manager  
For City Solicitor