



## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Statement of Gambling Principles 2012 - 15</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	11 <sup>th</sup> December 2012
<b>Directorate:</b>	Customers and Communities

### 1. Purpose

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**The purpose of this report is to:**

Enable the Licensing Committee to consider the Council's Statement of Principles in relation to the Gambling Act 2005

### 2. Recommendations

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Members are recommended to consider the statement of principles and offer any comments prior to approval by Council on 19<sup>th</sup> January 2013.

### 3. Issues and Choices

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#### 3.1 Report Background

3.1.1 The Gambling Act 2005 passed the responsibility for the licensing of premises used for gambling to local authorities.

3.1.2 Section 349 of The Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act, and in particular the following three licensing objectives:

- Keeping gambling crime free
- Making sure that gambling is fair and open
- Protecting children and vulnerable adults

- 3.1.3 The statutory period for the statement is three years. The last statement was approved by the Licensing Committee on 19th January 2010 and came into effect on 31 January 2010. A new statement must be prepared and published with a view to it coming into effect on 31 January 2013.
- 3.1.4 In Northamptonshire the statement is prepared jointly by all local authorities in the county and was reviewed in accordance with guidance from the Local Government Association and members of the national licensing policy forum.
- 3.1.5 In the course of preparing the statement the Council is obliged to consult with
- The Chief Officer of Police
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling business in the authority's area
  - 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 Gambling Act 2005
- 3.1.2 Consultation was undertaken between 24<sup>th</sup> September 2012 and 4<sup>th</sup> November 2012. There were no responses to the Consultation.
- 3.1.3 The new statement is attached to this report as Appendix A.

## **3.2 Issues**

- 3.2.1 The only notable changes are:
- 3.2.2 improved guidance relating to what constitutes a club (page 23 , paragraph 4.3)
- 3.2.3 an additional explanatory note on small society lotteries which was not in the former policy (page 27,section 7)
- 3.2.4 there is a general revision which reflects entitlement of Category B gaming machines in adult gaming centres and bingo premises based on the 2011 order and guidance from the Gambling Commission 2

## **3.3 Choices (Options)**

- 3.3.1 To adopt the reviewed statement that incorporates the most recent guidance issued by the Gambling Commission.
- 3.3.2 To reject the reviewed statement and maintain the existing document which does not reflect the updated guidance issued by the Gambling Commission.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 These changes will not have any impact on the licensing of premises in our district other than providing greater clarity in the statement.

### **4.2 Resources and Risk**

- 4.2.1 The adoption of the revised statement will not have any effect on resources.

### **4.3 Legal**

The Committee need to be mindful that the three Licensing Objectives are upheld and promoted within the Statement of Gambling Principles. There are no new Enforcement Issues to take into account. The principles within the Statement of Gambling Principles must be approved by Council before 31st January 2013

Section 349 Gambling Act 2005 expressly states that a licensing authority shall before each successive period of three years:

- (a) prepare a statement of the principles that they propose to apply in exercising their functions under Gambling Act during that period, and
- (b) publish the statement

The purpose of this report and accompanying policy is commensurate with the obligations under statute

### **4.4 Equality**

- 4.4.1 As this does not affect policy there is no duty to undertake an Equality Impact Assessment. However, by definition the purpose of the statement is to assist the licensing authority to exercise its function so as to meet the licensing objectives. A key objective is to protect children and vulnerable adults

### **4.5 Consultees (Internal and External)**

- 4.5.1 The statement was advertised on the Northampton Borough Council website with the assistance of the Corporate Policy and Performance Manager and added to the Consultations page offering electronic opportunities for the public to engage and hard copies of the document if required. All gambling establishments and premises with gaming permits (approximately 200) were written to advising them of the consultation and directing them to the website to view the document and comment. A full list of other consultees is attached at Annex A of the new statement.

### **4.6 Other Implications**

- 4.6.1 No other implications have been identified.

## **5. Background Papers**

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5.1.1. Notes to accompany statement of principles template Gambling Act 2005  
(Published June 2012) LGA

5.1.2. The Gambling Act 2005 (Gaming Machines In Adult Gaming Centres And  
Bingo Premises) Order 2011 - Guidance for Operators and Licensing  
Authorities – Letter from DCMS

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