

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Environmental Services (HES)

TO:Area Committees 23rd July, 20th 27th August, 3rd September 2009

WARDS:All

GAMBLING ACT 2005 – REVIEW OF THE STATEMENT OF PRINCIPLES

1 INTRODUCTION

- 1.1 The Gambling Act 2005 requires each Council to produce a Statement of Principles, stating how it will administer its duties under the Act. The Statement of Principles must be kept under review and reviewed at least every three years. The current statement expires on 31st January 2010.
- 1.2 The Council is now undertaking a review of its statement. The statement must be drafted and consulted upon prior to it being adopted. All comments received will be considered. The HM Government Code of Practice on consultation recommends 12 weeks public consultation.
- 1.3 The Statement of Principles was drawn up from a base template issued by the Local Authority Co-ordinators of Regulatory Services (LACORS), aimed to ensure consistency amongst licensing authorities and guidance issued by the Gambling Commission. There have now been two further revisions of the Gambling Commission's Guidance to Licensing Authorities and a revised LACORS template has been produced to reflect the changes.
- 1.4 The Statement of Principles, has therefore been re-drafted to take into account the relevant revisions as they apply to Cambridge City Council.

- 1.5 The purpose of this report is to inform Committee of the revised draft Statement of Principles as a part of the public consultation process and to request feedback on its content, prior to the drawing up of a final statement.

2. **RECOMMENDATIONS**

- 2.1 The Committee is requested to consider the revised draft Statement of Principles attached as Appendix A to this report and to submit any written comments by 28th September 2009 to the Consultation Co-ordinator, Licensing Team, Environmental Services, Cambridge City Council, PO Box 700, Cambridge CB1 0JH, or by Email to licensing@cambridge.gov.uk

3. **BACKGROUND**

- 3.1 The Gambling Act was passed in April 2005 and came into force on 1st September 2007. The Act requires all licensing authorities to prepare and publish a statement of the principles they apply in exercising their functions under the Act. Cambridge City Council's current Statement of Principles was published in December 2006 for a period not exceeding three years, so we must now undertake a review, including wide public consultation for a period of twelve weeks.
- 3.2 The initial/ current Statement of Principles was drawn up using the first edition of the Gambling Commission's Guidance to Licensing Authorities. At this time, a number of matters were still under discussion and this was reflected in the drafting. Since drawing up this policy, two further editions of the Gambling Commission's Guidance have been produced. The latest, 3rd Edition, was published in May 2009.
- 3.3 The LACORS template has addressed the amendments arising from the later editions of the Guidance and these have been incorporated in the revised draft of our Statement of Principles. Notable changes include additional or amended guidance on the splitting of premises, temporary use notices, enforcement, planning and duplication, applications and plans for tracks, provisional statements and reviews.
- 3.4 The revised draft statement, tracks all the changes made for ease of reference.

3.5 If we do not have a Statement adopted and published by 31st January 2010 then we will not be able to process any applications and will be in breach of our statutory duties.

4. **CONSULTATIONS**

4.1 Legislation requires that we undertake consultation. As a part of the public consultation process, the Area Committees are asked to consider the revised draft statement, which has been prepared having regard to the Gambling Commission's guidance to Licensing Authorities as required under the Act.

4.2 By raising the issue at the Area Committees, it gives the opportunity for members of the public to be involved in the process of developing the statement and to comment/ provide feedback on its content. All comments will be considered in drawing up the final statement.

4.3 We welcome any comments and feedback on any concerns you may have on the policy. Please note that there is likely to be a need for further amendments arising as a result of feedback from the consultation process.

4.4 We are also consulting with anyone who may be affected or otherwise have an interest, including faith groups, voluntary and community organisations working with children and young people, organisations working with problem gamblers, medical practices or primary care trusts and advocacy organisations, other tiers of local government, businesses that are holders of premises licences and the responsible authorities.

4.5 We are undertaking consultation by a variety of means, including Cambridge City Council's website, in libraries and Council Offices as well as attending the four Area Committees during July –September and sending over 200 letters to persons likely to be affected.

4.6 The twelve-week consultation period is taking place between 7th July and 28th September 2009, inclusive. There is likely to be a need for further amendments to the Statement arising as a result of feedback from the consultation process. Any comments will need to be considered. It will be for the licensing authority to ensure that it looks at the views of consultees and considers carefully whether they should be taken into account and to what extent.

- 4.7 The final Statement will then be produced and fed back to the Licensing Committee in time for the Statement to be formally adopted by full Council on 22nd October 2009. The Statement must be published four weeks before its effective date, i.e. before 3rd January 2010, to enable us to continue processing applications beyond the third anniversary of the 'first appointed day' of 31st January 2010, the expiry date of our current Statement.
- 4.8 Early feedback would be appreciated, with all feedback being received by 28th September 2009.
- 4.9 The public are able to access the draft statement on our website:

<http://www.cambridge.gov.uk/ccm/content/business/licensing-and-permissions/public-consultation-on-our-gambling-act-statement-of-principles.en>

or alternatively a hard copy can be made available by visiting the Customer Services Centre, Mandela House, Regent Street, or by telephoning 01223 457879.

5. **ISSUES AND OPTIONS**

- 5.1 The Council has a statutory duty to prepare and publish a revised Statement of Principles, to undertake public consultation and to consider any feedback. Having considered all comments, we must then draw up, adopt and publish the final Statement of Principles before the 3rd January 2010, four weeks before it comes into effect on 31st January 2010.

6. **CONCLUSIONS**

- 6.1 We are committed to providing a statement of how the Council will administer its duties under the Act. We want the statement to meet the needs of all sectors of the community, whilst having regard for guidance. This report provided the opportunity for the public to be involved in the process of reviewing our statement.

7. **IMPLICATIONS**

(a) **Financial Implications**

Provision has been made in the Council's budget to review the statement of principles. The Council will meet the cost of consultation.

(b) **Staffing Implications**

There are no additional staffing implications. Budget provision has been made to review the statement.

(c) **Equal Opportunities Implications**

The deregulation of gambling will provide more freedom to the leisure and hospitality trade, which has to be balanced by the requirements of residents for a safe environment and the need to protect children and vulnerable people who could be exploited by gambling. We will consult with relevant sectors of the community.

(d) **Environmental Implications**

The environmental implications are minimal.

(e) **Community Safety**

The Government's intention is that deregulation will encourage sensible gambling with the new legislation being quietly integrated, having little impact on the community. If applications are not dealt with properly, there is a risk of licences not containing appropriate conditions, or being granted where they should be refused.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

LACORS Statement of Principles template

LACORS Notes to accompany LACORS statement of principles template

To inspect these documents contact Christine Allison on extension 7879

The author and contact officer for queries on the report is Christine Allison on extension 7879

Report file: M/Everyone/Licence/Statement of Principles/0709AreaCommittees.doc

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