

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Jas Lally  
Head of Refuse and Environment

TO: Licensing Committee 25/06/2012

WARDS: All

### **REVIEW OF STATEMENT OF GAMBLING PRINCIPLES**

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#### **1 INTRODUCTION**

- 1.1 Section 349 of the Gambling Act 2005 requires that before each successive period of three years, the Licensing Authority must prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act during that three-year period.
- 1.2 The Council last published its Statement of Principles (Appendix A) on 21 December 2009 and it has proved extremely satisfactory in guiding applicants, officers and Members in the consideration and determination of applications.
- 1.3 There have been no legislative changes that affect the policies set out in the Statement of Principles, no revised guidance has been published by the Gambling Commission and no challenges have been made to any of the policies. It therefore seems unnecessary to amend the Statement of Principles at this time other than to update the consultation and publication dates shown in paragraphs 2.6 and 2.8 of the policy, the contact details of the Licensing section shown in paragraphs 2.7 and 2.9 of the policy and the list of consultees shown in Appendix B of the Statement of Principles.
- 1.4 The Statement of Principles must be subject to consultation prior to final determination by full Council. The final Statement must be published no later than 21 December 2012 so that it comes in to effect no later than 18 January 2013 in order for the Council's statutory duty to be fulfilled.

## **2. RECOMMENDATIONS**

### **2.1 Members are recommended:**

To commence the statutory consultation process on the existing Statement of Principles (Appendix A).

## **3. BACKGROUND**

3.1 The Gambling Act 2005 came fully in to effect on 1 September 2007. It created a new system of licensing and regulation for commercial gambling in this country. Amongst other changes, it gave Local Authorities new and extended responsibilities for licensing premises for gambling, some of which were transferred to the Local Authorities from the local licensing justices.

3.2 The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. The main functions are to:

- license premises for gambling activities;
- consider notices given for the temporary use of premises for gambling;
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries

3.3 In addition, section 349 of the Gambling Act 2005 requires that the Council prepares and publishes a Statement of Principles that it proposes to apply in exercising its function under the Act, before each successive period of three years. The existing Statement of Principles under the Gambling Act 2005 was adopted by the Council on 22 October 2009 and published on 21 December 2009. It is therefore necessary for the Council to prepare its third Statement of Gambling Principles for the next three year period.

3.4 The Statement of Principles must be formulated in accordance with Regulations and Guidance issued by the Gambling Commission. The final policy must be published, following approval by full Council, no later 21 December 2012.

## 4. CONSULTATIONS

- 4.1 Any revision to the Statement of Principles must undergo statutory consultation and it is proposed to undertake 12 weeks consultation in accordance with HM Government's Code of Practice on consultation.
- 4.2 The results of the consultation exercise will be presented to Members at the Licensing Committee meeting on 08 October 2012 for consideration prior to referral to full Council on 24 October 2012 for final determination of the Statement of Principles.

## 5. CONCLUSIONS

- 5.1 Cambridge City Council has a duty to determine and publish a Statement of Principles no later than 21 December 2012. The consultation process must therefore be commenced in order for the Council's statutory duty to be fulfilled. Failure to do so will mean that the Council is not complying with its statutory duty under section 349 of the Gambling Act 2005.

## 6. IMPLICATIONS

### (a) **Financial Implications**

The review of the Statement of Principles is a statutory function. The cost of consultation will be covered by the fees paid by Licence and permit holders.

### (b) **Staffing Implications**

Existing staff resources will carry out the consultation and apply the policy once finalised.

### (c) **Equal Opportunities Implications**

This is a statutory policy and it promotes equal opportunities. The policy does not prohibit any person from making an application or objecting to an application where they have a statutory right to do so.

### (d) **Environmental Implications**

There are no apparent environmental implications that will result from consulting on the draft policy.

### (e) **Community Safety**

The Statement of Principles will ensure that in carrying out its statutory duties, the Licensing Authority will promote the licensing objectives:

- (i) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (ii) ensuring that gambling is conducted in a fair and open way; and

(iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.

## **APPENDICES**

### Appendix A

Existing Statement of Principles.

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

- [Gambling Act 2005](#)
- [Guidance Published by the Gambling Commission in May 2009](#)

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