

Licensing Committee

Gambling Act 2005 – Revised Statement of Licensing Principles

17 December 2012

Report of Head of Public Protection & Development Management

PURPOSE OF REPORT

To seek final approval of the revised Statement of Licensing Principles.

This report is public

Recommendations

The meeting is recommended:

- (1) To accept the amendments to the Statement of Licensing Principles as presented and adopt the revised Statement of Licensing Principles for publication.

Executive Summary

Introduction

- 1.1 The development and adoption of the Statement of Licensing Principles (the “Statement”) is a statutory requirement under the Gambling Act 2005. Once published the Licensing Authority must review the Statement before each successive period of three years and publish any revision before giving it effect.
- 1.2 The function of approving the Statement and the subsequent reviews is the responsibility of the Licensing Committee.

Proposals

- 1.3 The proposed amendments are reflected as tracked changes in the Revised Statement Consultation Document which is attached as Appendix 1.

- 1.4 The amendments reflect updates and changes to the Guidance to Licensing Authorities issued by the Gambling Commission (September 2012) as well as updating relevant information relating to the district and Cherwell District Council.

Conclusion

- 1.5 There have been no significant amendments to the Statement. The only amendments suggested reflect the changes to guidance and regulations so that the Licensing Authority can carry out its Licensing functions in accordance with the legislation. This follows best practice and guidance.

Background Information

- 2.1 The current Statement was adopted and published in 2007 after a lengthy development and consultation period. The published document was approved for a period of three years.
- 2.2 In accordance with the Gambling Act 2005, the original Statement was reviewed in 2009 and published in 2010.
- 2.3 The revised Statement was developed in liaison with the other district councils of Oxfordshire and discussion with the relevant Responsible Authorities.
- 2.4 In preparing the revised Statement, officers have had full regard to the Guidance to Licensing Authorities issued by the Gambling Commission (May 2009) and relevant Statutory Instruments
- 2.5 In accordance with the requirements of the Gambling Act 2005 the Licensing Authority consulted on the draft revisions. The consultation period ran from 27 September October 2012 until 30 November 2012. Details of the consultees are given below.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Committee are asked to consider that, as with the current Statement, the revised Statement has been developed in accordance with best practice and guidance as well as meeting legislative requirements.
- 3.2 A thorough consultation exercise has been carried out inviting in excess of 120 consultees to make comments regarding the revisions. A copy of the consultation letter is attached as Appendix 2.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

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| Option One | To accept the amendments to the Statement of Licensing Principles as presented and adopt the revised Statement of Licensing Principles for publication for a period of 3 years. |
| Option Two | To accept the amendments to the Statement of Licensing Principles as presented, add any further amendments suggested by the Licensing Committee and adopt the revised Statement of Licensing Principles for publication for a period of 3 years |
| Option Three | To reject the amendments to the Statement of Licensing Principles as presented and adopt the current Statement of Licensing Principles for publication for a period of 3 years |

Consultations

The Chief Officer of Police	No Comments received
One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area	No Comments received
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	<ul style="list-style-type: none">• Oxfordshire Fire & Rescue Service responded that the only comments they wished to make were to revise their contact details in Annex 3 of the Statement.• The BIIAB acknowledged receipt of the consultation but made no further comments. Copies of both responses are attached at Appendix 3.• One comment was received through our online consultation portal. The comment referred to changes to be made of the Gambling Act 2005 legislation, rather than the Statement itself. As a result, the comments were passed to the Gambling Commission for their consideration and the respondent advised. Copies of the correspondence are attached at Appendix 4.

Implications

Financial:	<p>There are no financial effects from adopting the Statement other than the cost of communicating the revision to the relevant parties. There are financial consequences for the preparatory work of publishing the revised Statement which can be met from existing revenue budgets.</p> <p>Comments checked by Kate Drinkwater, Service Accountant 01327 322188</p>
Legal:	<p>The revised Statement of Licensing Principles has been developed in accordance with the relevant legislative requirements and a full consultation has been carried out. Approval of the revised Statement will be published in accordance with the Statutory Instrument 2006 No. 636 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.</p> <p>Comments checked by Nigel Bell, Team Leader – Planning and Litigation, 01295 221687</p>
Risk Management:	<p>There is a risk that the Statement of Licensing Principles could be challenged at Judicial Review, this risk is mitigated however by the fact that Officers have developed the Statement in accordance with the relevant legislative requirements and a full consultation has been carried out.</p> <p>Comments checked by Nigel Bell, Team Leader – Planning and Litigation, 01295 221687</p>

Wards Affected

All

Document Information

Appendix No	Title
Appendix 1	Draft Statement of Licensing Policy
Appendix 2	Copy of letter sent to all consultees
Appendix 3	Responses from Oxfordshire Fire and Rescue and BIIAB
Appendix 4	Correspondence between Mr Gary Bell and Claire Bold
Background Papers	
<ul style="list-style-type: none">• Gambling Act 2005• Guidance to Licensing Authorities issued by the Gambling Commission, September 2012 <p>Members have been issued with copies of the Guidance and are asked to bring this to the meeting.</p>	
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