

Licensing Committee

Gambling Act 2005 – Revised Statement of Licensing Principles

15 December 2009

Report of Head of Urban & Rural Services

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 (May 2009) 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 The revised Statement was developed in liaison with the other district councils of Oxfordshire and discussion with the relevant Responsible Authorities.
- 2.3 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
- 2.4 In accordance with the requirements of the Gambling Act 2005 the Licensing Authority consulted on the draft revisions. The consultation period ran from 22 October 2009 until 29 November 2009. 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 370 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

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 Act requires that before publishing revisions the Licensing Authority must consult the following on the Draft Statement:

The Chief Officer of Police No comments were received from 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 The Licensing Authority received one representation from the British Amusement Catering Trades Association (BACTA) on behalf of their members. The response stated:
"We note that your consultation follows the model format circulated by LACORS (Local Authorities Coordinators of Regulatory Services) and commend this as we believe that premises licence decisions should be administered consistently between local authorities."

The representation then went on to request that the Licensing Authority have regard to their further comments when making decision on applications made under the Gambling Act 2005.

The areas highlighted by BACTA are covered by the revised Statement, the Gambling Act 2005, the Guidance and the relevant Statutory Instruments and therefore have not necessitated any further amendments to the revised Statement.

The full response is provided at Appendix 3.

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 No comments were received from 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.

Implications

- Financial:** 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.
- Comments checked by Karen Muir, Corporate System Accountant 01295 221559
- Legal:** 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.**
- Comments checked by Nigel Bell, Solicitor
01295 221687
- Risk Management:** 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.
- Comments checked by Rosemary Watts, Risk Management & Insurance Officer, 01295 221566

Wards Affected

All wards

Document Information

Appendix No	Title
Appendix 1	Revised Statement of Licensing Principles Gambling Act 2005 - Consultation Document
Appendix 2	Copy of Consultation Letter.
Appendix 3	Response from British Amusement Catering Trades Association (BACTA)
Background Papers	
Gambling Act 2005 Guidance to Licensing Authorities issued by the Gambling Commission (May 2009)	
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