



**GENERAL LICENSING COMMITTEE**  
**18 April 2012**

**ITEM XX**

Report of the Strategic Director of  
Neighbourhoods

**REVIEW OF GAMBLING ACT STATEMENT OF PRINCIPLES**

**SUMMARY**

- 1.1 Derby City Council is the designated licensing authority under the Gambling Act 2005 and is required to produce a Statement of Principles which sets out how it will exercise its functions under the Act.
- 1.2 The statement must be reviewed at least once every 3 years.
- 1.3 The next revision is due later this year with the final revised document being published by the end of 2012.

**RECOMMENDATION**

- 2.1 To approve the process of consultation on a revised Statement of Principles for publication by the end of 2012.

**REASONS FOR RECOMMENDATION**

- 3.1 To comply with the statutory requirements of the Gambling Act 2005.

**SUPPORTING INFORMATION**

- 4.1 Under the Gambling Act 2005, the Council is required to produce a Statement of Principles which sets out how it will exercise its functions under the Act. The statement must be reviewed at least once every 3 years.
- 4.2 The initial Gambling Act Statement of Principles was first published in October 2006. It was subsequently reviewed in October 2009.
- 4.3 A further review needs to take place again this year which will involve undertaking a consultation exercise. It is proposed to use the same consultation process as previously. The proposed Consultation Strategy for the review of the Statement of Principles is attached at Appendix 2 and a proposed Consultation Timetable is attached at Appendix 3.

- 4.4 The consultation exercise is due to commence on Monday 4 June 2012 and end at 4.00pm on Friday 31 August 2012.
- 4.5 Any comments made during the consultation process will need to be considered. It is proposed that a cross party working group consider any comments received during September 2012 and make recommendations to the General Licensing Committee meeting scheduled for 10 October 2012 to agree a final statement.

*Question to consider – does the GLC decision need to be considered by Full Council? If so, then proposal will be to do this at meeting on 21 November.*

<b>OTHER OPTIONS CONSIDERED</b>
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- 5.1 Not applicable

**This report has been approved by the following officers:**

<b>Legal officer</b>	Olu Idowu
<b>Financial officer</b>	
<b>Human Resources officer</b>	
<b>Service Director(s)</b>	John Tomlinson
<b>Other(s)</b>	

<b>For more information contact:</b>	Michael Kay 01332 641940 e-mail michael.kay@derby.gov.uk
<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications Appendix 2 – Proposed Consultation Strategy Appendix 3 – Proposed Consultation Timetable

<b>IMPLICATIONS</b>
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**Financial**

- 1.1 None directly arising from this report.

**Legal**

- 2.1 As set out in the report.

**Personnel**

- 3.1 None.

**Equalities Impact**

- 4.1 The proposed changes will apply equally to all groups within the community and no particular group(s) will be disadvantaged.

**Health and Safety**

- 5.1 None.

**Carbon commitment**

- 6.1 None.

**Value for money**

- 7.1 None.

**Corporate objectives and priorities for change**

- 8.1 The proposal supports the corporate priority to ensure the people in Derby will enjoy **good quality services that meet local needs.**

**GAMBLING ACT 2005  
STATEMENT OF PRINCIPLES CONSULTATION STRATEGY**

**1. Summary**

Derby City Council ('the Council') has a duty to ensure that the people living and working in Derby, and those who will be effected by the enforcement and implementation of the statement of principles written in accordance with the Gambling Act 2005 are consulted with whilst it is in draft format. These stakeholder groups are encouraged to provide any comments to Environment and Regulatory Services, who will consider all comments received to ensure the document represents the issues important to all groups.

The Gambling Commission has the responsibility for processing, issuing and enforcing operating licences and personal licences. The Council will be responsible for processing, issuing and enforcing premises licences only.

The Council is also responsible for producing, publishing and regularly reviewing a Statement of Principles. The Statement of Principles (the Statement) outlines how the Council will deal with applications, and enforce the legislation, and how the Council's decision making process will take into account the three licensing objectives stipulated in the Gambling Act 2005. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The consultation period of 12 weeks allows the stakeholders to receive information on the proposed practices and procedures, and discuss how it will affect them.

The consultation procedure is controlled by both time & financial restraints and also the need to comply with the Councils structure of meetings.

The Gambling Act received Royal Assent on 7 April 2005. The Statement has been developed by following the guidance issued by the Gambling Commission.

**2. Introduction**

The Statement sets out how the Council will achieve its responsibilities under the Gambling Act 2005. It will be used as guidance for applicants applying for a licence, and by the Council when considering applications for licences. The aim of the statement is to provide a consistent decision making process and ensure that the licensing objectives set out under the Act are achieved.

Applications could be received from any person or commercial enterprise associated with gambling, betting and lotteries.

Before the draft Statement is approved by Council it must go through a process of consultation with key enforcement groups, partnerships and groups that may be effected by the document.

The consultation period is for 12 weeks. The final copy of the Statement must be published by 3 January 2012.

This consultation strategy will demonstrate how the Council will achieve effective consultation with these people/groups, within the time scales and resources available.

### **3. Aims**

The Council aims to:

- ensure effective and efficient consultation with those groups who will be involved in the implementation and enforcement of the Gambling Act 2005, those who hold existing licences or who may apply for licences and also those who will be effected by the Councils application and decision making process.
- use the responses received from the consultation process to revise the existing Statement into an effective document which represents the needs of those groups affected by the gambling regime.

### **4. Objectives**

In order to achieve these aims the Council will:

- achieve and complete the consultation process within the given timescale to ensure that the revised Statement of Principles is published by 3 January 2012.
- ensure that the consultation process is effective whilst working within restrictions of cost and time.
- ensure the comments received by all the key stakeholders of the Council and the Statement are collated, fully considered and are used to ensure that the final document represents their views, whilst still ensuring that the document complies with the requirements of the Act and the guidance.
- comply with the Gambling Commission's guidance for the Gambling Act to meet its requirement for effective and efficient consultation.

### **5. Planning**

The Statement may affect a wide range of people and groups. Therefore to ensure that the consultation process is effective the Statement summary, associated letters and questionnaires will be set out in plain English.

The Government has not allocated any additional funds to assist the Council in setting up the administration or implementation of the duties presented by the Gambling Act 2005. There is therefore no money provided for the consultation process. The costs are to be met from existing budgets. To keep this to a minimum, all printed materials etc. will be produced in-house.

To achieve the deadline set by Central Government it is imperative that the consultation period has been completed and all comments received by 31 August 2012. This will allow the comments to be considered by a cross-party working group and the revised statement be presented for approval at the Council's General Licensing Committee on 10 October 2012 **and for ratification by Full Council on 21 November 2012.**

## **6. Identification of Stakeholders**

Government guidance requires that before the revised Statement is published, the Council consults with the following people/groups:

- Chief Officer of the Police
- Fire Authority
- Planning Authority
- Regulatory bodies who have functions in relation to pollution to the environment or harm to human health
- HM Revenue and Customs
- Derby Safeguarding Children's Board
- Existing licence or permit holders
- Bodies representing licence or permit holders
- Businesses or residents in its area, or
- Bodies representing business and residents in its area.

To achieve consultation with the groups specified in government guidance the following additional stakeholder groups have been identified:

- Derby Legal Services
- Locally Elected Members
- Tourism and Culture
- Partnership agencies
- Charitable groups
- Members of the public
- Neighbourhood boards
- Neighbourhood forum
- National Trade Associations
- Current licence holders in Derby
- Related business groups

Approximately 200 known consultees have been identified; this includes 61 existing licence holders, but does not include members of the public.

## **7. Design and Format.**

### 7.1 Presentation.

The Statement and associated paperwork will be produced in-house in order to keep costs to a minimum.

Within the consultation pack, there will be included, a contact sheet in other languages, questionnaire, pre-paid envelope, covering letter and a copy of the revised Statement.

### 7.2 Consultation Format

To enable the consultation process to encourage responses and also to allow the comments received to be easily collated the following format will be used:

- The Statement of **20 pages** will be included in the folder to allow the consultee to be fully informed of the document's contents.
- The questionnaire is intended to direct comments to suggest areas of addition and improvement. The context of many areas already incorporated into the Statement of Principles will not be able to be changed due to the need to comply with the guidance issued by the Gambling Commission. It is hoped that the questionnaire will also allow the comments to be easily managed and included in the production of the final Statement.

The questionnaire will allow the person to request a copy of the final document if they wish. A pre-paid envelope will be included to prevent any costs being incurred by the consultee.

- To encourage persons of ethnic minorities to be able to be involved in the consultation process a page offering assistance in different languages will also be included in the pack.
- E-mail will be used to provide/receive the information where possible and appropriate to reduce the cost of postage, and to allow recipients to receive the consultation pack. It is hoped that e-mail will also encourage a quick response.

- All correspondence will have the contact details of the Licensing Team printed on it. Including telephone number, e-mail address, fax number, postal address and website address to allow contact to be made.

## **8. Consultation Methods**

The following means of consultation have been considered:

- open sessions
- trade meetings
- newspaper/media coverage
- area panels
- Council website
- mail shots
- Resident's Associations

### **8.1 Chosen methods of consultation**

In order to be able to comment, it is necessary for the stakeholders to first read the Statement. The most cost effective, chosen methods of consultation are:

- The majority of Statutory Consultees, for example Partnership Groups, Enforcement Bodies will be provided with a consultation pack. The document may have a direct effect on the work of many of these groups. Their input into the Statement is therefore necessary to ensure that the administration and enforcement activities of the Council runs smoothly. It is important that they have all available documentation to make informed comments. Where possible the pack will be addressed to a specific person to encourage feedback.
- Where possible to reduce the cost incurred by postage, many of these above groups will be sent the pack by e-mail. It is also hoped that e-mail will encourage a response within a shorter amount of time. The cost of postage will also be reduced. The use of e-mail will also allow these groups to provide additional comments when desired.
- The consultation pack will be made available in the reception of the Saxon House, Albion Street and Celtic House, and in the Central Library. This will allow access to the Statement by members of the public at limited cost.
- Other public buildings, such as libraries will be provided with flyers which outline the contact points for obtaining copies of the consultation pack.
- A press release will be issued concerning the consultation exercise. This will provide information on the Statement of Principles and provide a contact number to allow copies of the consultation pack to be requested. The telephone number given will be the Licensing Team's service line number to ensure that it is answered during office hours, allowing people to request a copy of the pack or to discuss issues concerning gambling issues.



- Forum groups available to Derby City Council will also be provided with information.
- Premises that currently hold a licence or permit will be sent a mail shot, inviting them to apply for a consultation pack.
- A copy of the Statement and questionnaire will be available on the website for people to read and make comments on. The questionnaire will need to be downloaded and either posted to the Licensing Team by hard copy or by email.

## 8.2 Means of consultation not used.

The following methods of consultation were rejected due to them being less effective in relation to either time, cost or potential lack of effectiveness:

- The use of mail shots to the general public were rejected due to the expense and ineffectiveness of targeting large areas of Derby's population who may not have a specific interest in the Statement.
- Derby Area Panels were considered. However due to the format of the meetings it was considered to be difficult to integrate into that type of meeting. However, flyers will be made available at each Area Panel meeting during the consultation period to inform members where a copy of the consultation pack can be obtained from.
- Trade Seminars have been used in the past and have not had a good response. To terms of cost-effectiveness it was decided not to use this method for consultation. A centrally placed exhibition trailer in the Market Place would mean some of the Trade could visit, as all existing licence or permit holders would receive a pack and an invite to come to the exhibition trailer if they wished to do so.
- The use of an exhibition trailer in the Market Place has been used for consultation exercises in the past. This has been with questionable success.

## **9. Collection and Review of Response from Consultation Process**

Once the consultation process begins the Statement policy will not be altered until all comments have been received and collated. This will hopefully prevent confusion. The comments will be collated during September 2012. After that time all comments will be considered, and common areas identified. All comments will be considered with its relevance to ensuring adherence to the Gambling Commission guidance.

The Council's cross-party working group will then review the Statement and the comments received, hopefully the working group will consist of cross-party elected members and officers. It will be presented to the General Licensing Committee 10 October 2012 for consideration and approval. **The final copy of the Statement will be taken to Full Council on 21 November 2012.**

## **10. Continuing the Consultation Process.**

Gambling Commission guidance and the legislation specify the Council will consult with its stakeholders on a 3 yearly cycle.

## **11. Matters for Consideration**

### 11.1 Time

The Statement of Principles must be approved and published on or before 3 January 2013. A plan of the timescales that must be achieved are attached in Appendix 1.

### 11.2 Financial implications

The application and enforcement process under the Gambling Act 2005 will be funded in part by application fees set by Central Government. However no funding is being provided by Government to cover the costs incurred in establishing the application process, the Statement of Principles and the implementation of the consultation strategy.

### 11.3 Legal implications

The Gambling Act 2005 received Royal Assent in April 2005. The Act places a legal duty on the Council to publish a Statement of Principles before it determines any premises licence applications. The Statement will demonstrate how the Council will comply with and enforce the Gambling legislation.

The Statement will also be used to support decisions made by the Council relating to licence applications. In order for the Statement to be accepted the Council has a duty to consult a number of specific groups.

## **12. Conclusion**

The strategy is aimed to ensure that consultation is effective, without being excessive in relation to both cost and time. It must also allow the Council's duties of consultation and implementation of the Statement, in accordance with the Council's meeting structure, and Central Government's deadline.

## Appendix 3

### **GAMBLING ACT 2005 STATEMENT OF PRINCIPLES CONSULTATION TIMETABLE**

#### **1.0 TIMETABLE**

- 1.1 The revised Statement of Principles must be published on or before 3 January 2012.
- 1.2 The proposed timescale for consultation is:

Start Monday 4 June 2012 and end at 4.00pm Friday 31 August 2012.	-	Statement out for full consultation
September 2012	-	Collating feedback from consultation and consideration by the cross-party working group

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|------------------------------|---|--|
| 10 October 2012              | - | Consultation comments and cross-party working group recommendations back to General Licensing Committee to agree final Statement |
| 21 November 2012             | - | Final Statement to be ratified by Full Council   |
| End of November onwards 2012 | - | Publish and publicise policy   |