

REPORT TO CABINET

**REPORT OF: HEALTHY ENVIRONMENT PORTFOLIO
HOLDER**

REPORT NO. ENV361

DATE: 4 SEPTEMBER 2006

TITLE:	THE GAMBLING ACT 2005 DRAFT STATEMENT OF PRINCIPLES
FORWARD PLAN ITEM:	YES
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	1 JUNE 2006
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	POLICY PROPOSAL

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR MRS L NEAL (COMMUNITY SAFETY)
CORPORATE PRIORITY:	Y – STATUTORY FUNCTION
CRIME AND DISORDER IMPLICATIONS:	MINOR
FREEDOM OF INFORMATION ACT IMPLICATIONS:	NO
BACKGROUND PAPERS:	REPORT NOS ENV354 AND ENV359

1. INTRODUCTION

This matter originally came before the Licensing Committee on the 2 June 2006 when approval was sought to publish and consult on the draft Statement of Principles in respect of the Council's legislative responsibilities of the Gambling Act 2006. This followed the public consultation that commenced on 5 June 2006 and ends on 4 September 2006.

A summary of the results of consultation is shown at Appendix 1.

The results of the consultation procedure will be considered at the Licensing Committee meeting on 1 September 2006.

2. RECOMMENDATIONS

That, following the consultation exercise, the Cabinet recommends to Council the draft Statement of Principles be adopted as "The Statement of Principles".

3. DETAILS OF REPORT

The Act is due to take effect on 1 February 2007.

Section 2 of the Act defines the Council as the licensing authority.

Section 349 of the Act requires the licensing authority to consult on, publish and adopt a three year Statement of Principles for the area, which may be subject to periodic revision. Guidance to the Act requires a period of three months public consultation before adopting a Statement of Principles, which must be in place before 1 January 2007. The guidance only requires the licensing authority to "consult widely".

The period for consultation began on the 5 June 2006 and will end on 4 September 2006. The basis for the consultation was very similar to that carried out under the Licensing Act 2003. Over 600 letters have been sent to a wide range of interested parties, both local and national, such as businesses, community and residents groups. Groups likely to show concerns with the social effects of the Act were also contacted. Those letters were intended to inform all involved of the consultation exercise and that a copy of the Statement was available on the Council's website. Individual copies of the document were sent out on request. The relevant responsible authorities were sent their own personalised letters and copies of the draft Statement.

Other means of promoting the consultation exercise included a press release, copies of the document sent to the council's area offices and public libraries in the district. The Statement was also promoted at the two district Licensing Forums held in July. Despite the degree of effort to raise awareness, all of these methods received very limited response.

The draft Statement has also been peer assessed by colleagues from the County Licensing Group and LACORS.

The Statement has now passed through the scrutiny stage and was discussed by the Economic Scrutiny Group.

To date there have been a total of 13 responses, of which only eight were formal replies. These are shown at Appendix 2, together with an appraisal and any necessary amendment to the Statement. There have been seven requests for hard copies of the Statement.

To allow for the tight timescales involved in committee dates and for the closure of the consultation period, a verbal update of any late responses will be provided.

Following the completion of the consultation process and subject to the Cabinet's approval, the Statement of Principles can be then go before the full Council for adoption on 26 September 2006.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

The Act requires the Council, following consultation, to produce a Statement of Principles under the Gambling Act and is subject to legislative time limits. The consultation has been completed following the relevant guidance. There are no other options.

5. COMMENTS OF SECTION 151 OFFICER

No comments.

6. COMMENTS OF MONITORING OFFICER

I have not seen the final draft statement of principles following consultation. The act referred to is the Gambling 2005. I understand the draft statement follows the LACORS model.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Subject to the approval of the Cabinet, the draft Statement will be the "Statement of Principles" and, subject to their recommendation, go before the full Council on 26 October 2006 for adoption.

8. CONCLUSION/SUMMARY

Every effort has been made to comply with the legislation and consult with as many affected parties as possible. A list of those with whom consulted and their responses will be retained and will be available as required. The draft Statement of Principles will be passed to the Council for adoption.

9. CONTACT OFFICER

M Start, Environmental Health Practitioner (Licensing)
Tel: 01476 406321 E-mail: m.start@southkesteven.gov.uk