

# CHESHIRE EAST COUNCIL

## CABINET

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**Date of meeting:** 17<sup>th</sup> December 2008  
**Report of:** Tony Potts – Community Safety Manager

**Title:** Gambling Act 2005 –  
Statement of Principles

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### **1.0 Purpose of Report**

- 1.1 The Gambling Act 2005 requires local authorities to prepare and publish a statement of the principles that they propose to apply when exercising their functions under the Act. If practicable the Council is required to produce its Statement of Principles by 1<sup>st</sup> April 2009.
- 1.2 The Council must undertake a consultation exercise with stakeholders on the content of the Statement before it is determined. The purpose of this report is to seek approval for the Statement of Principles in its draft form so that the consultation exercise may take place.

### **2.0 Decision Required**

- 2.1 Cabinet is requested to approve the Statement of Principles in its present draft form for the purpose of undertaking the statutory consultation exercise required by the Gambling Act 2005.

### **3.0 Financial Implications for Transition Costs**

- 3.1 None except for 'one-off' printing and postage costs incurred by the consultation exercise and the advertising costs of the notice of intended publication.

### **4.0 Financial Implications 2009/10 and beyond**

- 4.1 The Local Government (Structural Changes)(Transitional Arrangements)(No 2) Regulations 2008 provide that the preparation of a statement of principles by the shadow Council will be taken as satisfying the requirements of the Gambling Act 2005 as regards the three year period commencing on 31<sup>st</sup> January 2010. For this reason the statement is not required to be reviewed again until January 2013.

### **5.0 Legal Implications**

- 5.1 Section 349 of the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its

functions under the Act. The drafting of the policy statement must take into account the requirements of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

- 5.2 The Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 provide that, where it is practicable to do so, a statement of principles under the Gambling Act 2005 shall be produced by 1 April 2009. If it has not been possible to prepare the policy by 1 April 2009, the Regulations provide that it must be prepared within twelve months of vesting day.

## **6.0 Risk Assessment**

- 6.1 There is no risk attached to taking the recommended course of action.

## **7.0 Background and Options**

- 7.1 As set out above, the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. Each of the three constituent authorities of Cheshire East has had in place its own Statement of Principles since the Gambling Act 2005 came into force in 2007.
- 7.2.1 Cheshire East must have its own policy document in place in order to perform its role as the licensing authority for applications to licence premises for gambling.
- 7.3 The draft Statement, a copy of which is attached as Appendix 1, largely reflects the existing policy statements of Crewe and Nantwich, Congleton and Macclesfield Borough Councils, which have been approved by their respective Councils. In determining its policy the Council must have regard to the guidance issued by the Gambling Commission and give appropriate weight to the views of those it has consulted. It should also be highlighted that in addition to this Guidance, the form and content of the policy statement is to a degree dictated by The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.
- 7.4 Should Cabinet approve the draft statement of principles, it is proposed that statutory consultation with stakeholders will be undertaken. Consultees include the police, the fire authority and representative groups of licence holders, businesses, residents and Town and Parish councils.
- 7.5 It is proposed to shorten the consultation period from the usual 12 weeks recommended by the Cabinet Office to six weeks because of the limited length of time available to complete the procedure before 1<sup>st</sup> April 2009. It is suggested that due to the minor nature of the changes to the statement from those originally in place in the three districts, the shortening of the consultation period will not be prejudicial to consultees.
- 7.6 At the conclusion of the consultation period any representations which are received will be considered by the shadow Licensing Committee. The

Committee will then recommend a final draft to Council on 24<sup>th</sup> February 2009 having taken into account the consultation responses.

- 7.7 As required by secondary legislation at least four weeks before the statement comes into effect (i.e. on 1<sup>st</sup> April 2009) a notice of intended publication will be issued on the Council's website and published in a local newspaper.

## **8.0 Overview of Day One, Year One and Term One Issues**

- 8.1 The requirement to have a Gambling Statement of Policy in place is, where practicable, a Day One requirement.

## **9.0 Reasons for Recommendation**

- 9.1 The Council is required to produce and publish, every three years a statement of the principles which they propose to apply when exercising their functions under the Gambling Act 2005, where practicable this is required to be done by 1 April 2009. Approval of the recommendation will enable the next step to be taken towards achieving that aim.

### ***For further information:***

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### ***Background Documents:***

*Guidance issued by the Gambling Commission under the Gambling Act 2005*

*The Gambling Act 2005 Statement of Principles of Macclesfield Borough Council*

*The Gambling Act 2005 Statement of Principles of Congleton Borough Council*

*The Gambling Act 2005 Statement of Principles of Crewe & Nantwich Borough Council*