



**Council**

**Thursday, 6 December 2018**

**Statement of Principles 2019 – 2021**

**Non Key Decision No. 30**

## **Report of the Executive Manager – Neighbourhoods**

### **1. Purpose of report**

- 1.1 The Council's current Statement of Principles made under the Gambling Act 2005 was adopted in 2015.
- 1.2 Rushcliffe Borough Council is a Licensing authority under the Gambling Act 2005. As a Licensing authority the Council must determine and publish its statement of principles every 3 years.
- 1.3 In determining the Policy, the Council must carry out the statutory consultation as provided by the Act. Following a review of the existing Statement a small number of minor changes were made and a consultation exercise was undertaken which resulted in no further comments or changes. Following consideration by the Alcohol and Entertainment Licensing Committee (A&ELC) on 24 October 2018 the report recommends that the Statement of Principles be approved to be published on 2 January 2019.
- 1.4 Once the revised statement of principles has been published it will be valid until January 2022.

### **2. Recommendation**

It is RECOMMENDED that the Statement of Principles be approved with effect from January 2, 2019.

### **3. Supporting Information**

- 3.1 Each licensing authority is required before each successive three year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles
- 3.2 There are three licensing objectives set out in the Act, as follows:
  - 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 people from being harmed or exploited by gambling;

- 3.3 The Statement of Licensing Principles is prescribed by central government in its guidance to Local Authorities. The policy has to comply with guidance issued by central government. The current policy is compatible with this advice and guidance.
- 3.4 The Draft Statement of Principles has been subject to an extensive consultation with members of the trade, responsible authorities (including the chief officer of police in the area), current licence holders and Members.
- 3.5 A list of amendments and response to the Draft Statement of Principles is attached at Appendix B to this report.
- 3.6 The time table for the draft statement of principles is:

Date	Process
July 2018	Licensing committee consulted on revised policy [via email]
July/August 2018	Public / statutory consultation
August 2018	Consultation feedback reviewed
October 2018	AELC approval
December 2018	Full Council Approval

- 3.7 No comments were received from consultees.

#### **4. Risks and Uncertainties**

The Council will be in breach of the requirements of the act and therefore at risk of legal challenge if a properly consulted and adopted Statement of Principles 2019-2021 is not in place by January 2019.

#### **5. Implications**

##### **5.1. Financial Implications**

- 5.1.1. There are no financial implications arising from this report. The cost of the service is met by the fees received from licences.

##### **5.2. Legal Implications**

- 5.2.3 Section 349 of the Gambling Act 2005 states:

A Licensing Authority shall before each successive period of three years

- (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
- (b) publish it

##### **5.3. Equalities Implications**

- 5.3.1 The Council has undertaken an Equalities Impact Assessment which confirms that no further action is required.

## 5.4 Section 17 of the Crime and Disorder Act 1998 Implications

5.4.1 One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The policy supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

## 6 Link to Corporate Priorities

This report links to the following Corporate Strategy key themes of:

- Maintaining and enhancing our residents' quality of life

## 7 Recommendations

It is RECOMMENDED that the Statement of Principles be approved with effect from 2 January 2019.

<b>For more information contact:</b>	Dave Banks Executive Manager – Neighbourhoods 0115 914 8438 <a href="mailto:dbanks@rushcliffe.gov.uk">dbanks@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	None.
<b>List of appendices:</b>	<b>Appendix 1</b> – Summary of Changes <b>Appendix 2</b> – Statement of Principles 2019-2021

**REVIEW OF STATEMENT OF PRINCIPLES: SUMMARY OF CHANGES**

The statement was reviewed by members of the Nottinghamshire Authorities Licensing Group (NALG). Some changes have been made in line with the best practice framework issued by the Local Government Association and recent changes in legislation.

<b>Reference</b>	<b>Changes</b>
2.8 & 2.9	New Paragraph in respect of the Nottinghamshire Health statement of policy