

16 March 2009	ITEM No. 5
LICENSING COMMITTEE	
REVIEW OF STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005	
Portfolio Holder: Councillor Ben Maney – Public Protection	
Report Author: Ronald Galliers - Senior Licensing Officer	
Accountable Head of Service: Lucy Magill - Head of Public Protection	
Accountable Director: Corporate Director - Sustainable Communities	
Purpose: To commence the three-yearly review of the Statement of Principles issued under the Gambling Act 2005.	
Wards affected: All	Key decision: YES
This report is Public .	

1. RECOMMENDATIONS:

That the Committee –

- 1.1 Notes that the Statement of Principles issued in accordance with the Gambling Act 2005 must be reviewed and consulted upon;**
- 1.3 Directs that the results of that consultation be reported back to this Committee for consideration.**

2. INTRODUCTION:

- 2.1 The Gambling Act 2005 requires that the council produce, consult on and publish a statement of the principles that they propose to apply when exercising their functions under the Act.
- 2.2 The Act also requires that the policy should be kept under review and must be re-published at least every three years.
- 2.3 The first policy document was produced in November 2006 and became effective in January 2007. It is now due for the first review.

3. BACKGROUND:

- 3.1** Thurrock Council, along with other licensing authorities, has a duty under the Gambling Act 2005 to licence premises where gambling is to take place, and to licence certain other activities (such as registering small society lotteries). The Act also requires councils to produce and publish a statement of principles.
- 3.2** The Council prepared and consulted on their statement of principles relating to how it would apply the Gambling Act and the Gambling Commission's guidance when exercising their functions under the Act.
- 3.2** The current Statement of Licensing Policy came into effect in January 2007. There is a statutory requirement under the Gambling Act to review the policy every three years. The first review is now due to enable a revised policy to be drafted, consulted on, agreed and published by January 2010.

4. COUNCIL POLICY & PROCEDURES:

- 4.1** Any consultation should follow the guidelines in the BERR Code of Conduct on Consultation.
- 4.2** The finalised statement of principles must be forwarded to the full Council for agreement.

5. ISSUES AND OPTIONS:

- 5.1** Thurrock Council is obliged by Section 349 of the Gambling Act 2005 to review and re-publish its statement of principles every three years.
- 5.2** The Council must issue its proposed statement of principles for consultation to those parties listed under Sections 157 and 158 of the Gambling Act.
- 5.3** Having considered any comments received as a result of the consultation, the Council should finalise its statement of principles.
- 5.4** The full Council must decide whether or not to pass a 'no casino' resolution.
- 5.5** The full Council must then approve and cause to be published the new statement of principles.
- 5.6** These deliberations must be completed and the statement published so that it becomes effective from January 2010.

RELEVANT POLICIES

FINANCIAL IMPLICATIONS

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The cost of consultation on the policy will have to be borne by Council finances.

LEGAL IMPLICATIONS

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1. The Council is obliged under the terms of the Gambling Act 2005 to issue a statement of policy in respect of the manner in which it intends to discharge its obligations under that Act.
2. The Council is also under a duty to review that policy at least every three years.
3. The Council must, at each three-yearly review, consult on their statement and then publish it.
4. A Council's policies may be subject to Judicial Review.

DIVERSITY & EQUALITY IMPLICATIONS

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The Council is under a statutory duty to produce, consult on and publish a statement of policy under the Gambling Act 2005.

OTHER IMPLICATIONS

BACKGROUND PAPERS

1. The Gambling Act 2005.
2. The Guidance issued by the Department of Culture, Media and Sport (DCMS).
3. Thurrock Council's Gambling Act policy document as issued in January 2007.

(Held by Licensing Office, Sustainable Communities).

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