

6 October 2009		ITEM 5
Licensing Committee		
REVIEW OF THE STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005		
Portfolio Holder: Councillor Ben Maney, Public Protection		
Wards and communities affected: All	Key Decision: Yes	
Accountable Head of Service: Lucy Magill, Public Protection		
Accountable Director: Corporate Director, Sustainable Communities		
This report is Public		
Purpose of Report: To approve and recommend to Council the adoption of the draft Statement of Principles to be issued under the Gambling Act 2005. To recommend to Council the passing of a resolution in relation to casinos.		

EXECUTIVE SUMMARY

The Gambling Act 2005 (the Act) requires all local authorities to produce a statement of the principles which they propose to apply when exercising their functions under the Act.

The Act also requires that any statement is kept under review and must be re-published at least every three years. The first statement was produced in November 2006 and became effective in January 2007. The statement is now due for its first review.

The Council must also pass a resolution as to whether it wishes to licence casinos within the district.

1. RECOMMENDATIONS:

1.1 That the Committee -

- (a) Approves the attached draft of the Gambling Act Statement of Principles and recommends to Council that it be adopted and implemented as from 14 January 2010; and
- (b) Recommends to Council that it passes a resolution to issue/not to issue casino premises licences.

2. INTRODUCTION AND BACKGROUND:

2.1 GENERAL

- 2.1.1 The Gambling Act 2005 introduced a new regime for the control of Gambling activities. Under the Act local authorities became responsible for the licensing of gambling premises.
- 2.1.2 Section 349 of the Act requires a council, as the licensing authority, to produce, consult upon and publish a statement of the principles it intends to apply when exercising its function under the Act. A licensing authority's function under section 349 may not be delegated by the authority.
- 2.1.3 This statement must be kept under review and be re-published at least every three years.
- 2.1.4 The first statement of principles was issued by Thurrock Council to be effective from January 2007. It is now due to be reviewed.

2.2 CASINO LICENCES

- 2.2.1 Section 166 of the Gambling Act 2005 allows a licensing authority to pass a resolution not to issue casino licences. This power must be exercised by the Council as the licensing authority and may not be delegated.
- 2.2.2 The resolution
 - must apply to the issue of casino premises licences generally;
 - must specify the date on which it takes effect;
 - may be revoked by a further resolution; and
 - shall lapse at the end of the period of three years beginning with the date on which it takes effect.

3. ISSUES AND/OR OPTIONS:

- 3.1 The Council is obliged by the Gambling Act 2005 to publish a Statement of Principles.
- 3.2 The Statement of Principles must be approved by the Council. A Council may not delegate this function.
- 3.3 The Statement must come into force by 14 January 2010 and it must be published in a local paper or newsletter at least one month prior to its commencement.
- 3.4 The Council may pass a resolution not to issue casino premises licences. A Council may not delegate this function.

4. CONSULTATION (including Overview and Scrutiny, if applicable)

- 4.1 Wide consultation has taken place on the draft statement. In addition to those bodies required to be consulted under the Act the Council also consulted with licence holders, various trade representatives, community groups and the public generally.
- 4.2 A draft document was prepared and circulated for consultation over a period of three months up to 20 August 2009. The document, with amendments, is shown at **Appendix A**.
- 4.3 A summary of the responses received as a result of the consultation are shown at **Appendix B**.
- 4.4 A list of consultees is shown at **Appendix C**.
- 4.5 The draft document was published on the Council website, as an on-line consultation, posted in libraries and circulated through the Ngage system.

5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 5.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –
 - (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community); and,
 - (b) the misuse of drugs, alcohol and other substances in its areas.

In considering the statement of principles in relation to these duties the authority should have due regard to the three licensing principles as detailed in the Act and ensure that the statement promotes those objectives. It should also take into account the results of the survey and the views of those trade representatives that have responded.

6. IMPLICATIONS

6.1 Financial

Implications verified by: **Michael Jones**
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There are no direct financial implications associated with this report.

6.2 Legal

Implications verified by: **Annabel Cresswell**
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1. Thurrock Council as a Licensing Authority is empowered to determine applications of this nature.

2. Section 166(1) of the Gambling Act 2005 states that a Licensing Authority may resolve not to issue casino premises licences. Section 166(2) states that in passing a resolution a Licensing Authority may have regard to any principle of matter.

3. It should be noted that under section 166(3) a resolution not to issue casino licences will lapse at the end of three years from the date that it takes effect. There is no prejudice to the Licensing Authorities ability to pass a new resolution on this matter.

6.3 Diversity and Equality

Implications verified by: **Samson DeAlyn**
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The Council, as the licensing authority under the Gambling Act 2005, should comply with the requirements of that Act in relation to the issue of premises licences. It should ensure that its statement of principles does not allow discrimination against any persons or groups, taking into account the three principles of the Act.

6.4 Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

Section 17 has been considered at 5.1 above.

7. CONCLUSION

- 7.1 The Council must publish a statement of Principles under the Gambling Act 2005.
- 7.2 The Licensing Committee should recommend the attached draft document for adoption by the Council subject to any amendments it sees fit to make.
- 7.3 The Council may pass a resolution not to issue casino premises licences.
- 7.4 The Licensing Committee should recommend that the Council passes/does not pass such a resolution.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- The Gambling Act 2005
- The Guidance to Local Authorities as issued by the Gambling Commission.
- The LACoRs statement of principles template and guidance notes.
- The Essex Joint Licensing Forum's statement of principles template.

APPENDICES TO THIS REPORT:

- A Draft Statement of Principles for adoption by Thurrock Council.
- B Summary of responses to the consultation on the draft statement.
- C List of consultees.

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