

11 October 2012		ITEM: 5
Licensing Committee		
REVIEW OF THE STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005		
Report of: Paul Adams, Principal Licensing Officer		
Wards and communities affected: All	Key Decision: key	
Accountable Head of Service: Lucy Magill, Head of Public Protection		
Accountable Director: Jo Olsson – Director of People Services		
This report is Public		
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>		
Date of notice given of exempt or confidential report: not applicable		
Purpose of Report: To consider the draft reviewed Statement of Principals under the Gambling Act 2005 before referral to Council for adoption.		

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 current Statement of Principals came into effect in January 2010, The statement is now due for its next review for publication in January 2013.

This report also considers a request from the National Casino Industry Forum.

1. RECOMMENDATIONS:

1.1 That the Committee –

- (a) Approves the attached Draft review of the Gambling Act Statement of Principles and recommends to Council that it be adopted and implemented as from 14 January 2013; or**
- (b) Approves the attached Draft review of the Gambling Act Statement of Principles with the inclusion of a paragraph into the policy welcoming the ability to host a casino in Thurrock, and recommends to Council that it be adopted and implemented as from 14 January 2013;**

2. INTRODUCTION AND BACKGROUND:

- 2.1 Section 349 of the Gambling Act 2005 (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.
- 2.2 This statement must be kept under review and be re-published at least every three years.
- 2.3 The Statement of Principals first came into effect in January 2007 and was subsequently reviewed in January 2010. The statement is now due for review for publication in January 2013.

3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:

- 3.1 The Council as a Licensing Authority is obliged to have a statement of Local Licensing Policy in place. The current Policy expires on 6th January 2013. It is therefore imperative that the Council adopts a reviewed Policy before this date.
- 3.2 A reviewed consultation draft document has been prepared, consulted on and is attached as appendix 1.
- 3.2 The reviewed statement has included the legislative changes in the relation to the Gaming Machine Entitlement, which has increased the number of machines premises types can have, this is reflected in the section guidance 3 of the statement.
- 3.3 The transitional arrangements relating to the conversion licences under the old gaming legislation, to the current regime under the Gambling Act 2005 have been removed where relevant as the time period for conversion of licences has now passed.
- 3.4 Under the section (Alcohol) Licensed premises gaming machine permits the paragraph that reads "Notifications and applications for two or three machines

will generally be dealt with by licensing authority officers. Those for four or five machines will be determined by officers in consultation with the Chair of the Licensing (Licensing Act 2003) Committee, and applications for five or more machines will be referred to a Licensing Sub-Committee.”

Has been amended to read “All notification and applications for licensed premises Gaming Machine Permits will be dealt with by licensing authority officer”

- 3.5 The above paragraph has been amended to reduce the burden on the Licensing Committee to hold a hearing for applications where there are no representations to the application. Any application that has a representation will still be referred to the Licensing Committee for determination.
- 3.6 Separate to the consultation, a letter has been received from the National Casino Industry Forum (NCIF) seeking an addition to our statement of principals that we would “Welcome the ability to host a casino in our district”.
- 3.7 If members feel that this is a matter they wish to include in the statement of principals it would be best placed in section headed Casinos on page 19.
- 3.8 The suggestions made by the NCIF would require primary legislation to be created, and all indications from government departments is that this is not something that is being considered at this time.

4. REASONS FOR RECOMMENDATION:

- 4.1 The Licensing Committee does not have the delegated authority to determine policy which must be done at Council.

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

- 5.1 A consultation on the reviewed draft policy has been undertaken. All premises licensed under the Gambling Act 2005 and Licensing Act 2003 licensed by Thurrock Council was written to inviting them to view the draft policy, and to make any comments in writing to the Licensing Department. Consultation has also been undertaken with Responsible Authorities. The draft policy has also been published on the Council’s website for comments.
- 5.2 The consultation period ran from 17th August 2012 to 28th September 2012.
- 5.3 No responses have been received following the consultation.

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

- 6.1 Thurrock's Statement of Statement of Principals in relation to the Gambling Act 2005 underpins the Authority's administration of the licensing regime. It should accord with the general principles in the Guidance issued by the Gambling Commission and promote the licensing objectives.

7. IMPLICATIONS

7.1 Financial

Implications verified by: **Michael Jones**
 Telephone and email: **01375 652277**
mxjones@thurrock.gov.uk

There are no direct financial implications associated with the report

7.2 Legal

Implications verified by: **David Lawson**
 Telephone and email: **01375 652087**
david.lawson@bdtlegal.org.uk

The Review of Statement of Gambling Policy conforms with the relevant legislation and guidance. Under the Local Authorities (Functions and Responsibilities) (England) Regulations the final Policy can only be approved by full Council.

7.3 Diversity and Equality

Implications verified by: **Billy Masters**
 Telephone and email: **diversity@thurrock.gov.uk**
01375 652472

There are no diversity implications arising from this report. The Gambling Act 2005 requires local authorities to review their Statement of Principals.

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

None

BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):

- Gambling Act 2005
- Guidance to Licensing Authorities, 3rd edition, issued by the Gambling Commission

APPENDICES TO THIS REPORT:

- **APPENDIX 1 – Consultation draft statement of principles**
- **APPENDIX 2 – Letter from National Casino Industry Forum**

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