

<b>18 October 2016</b>	<b>ITEM: 5</b>
<b>Licensing Committee</b>	
<b>Review Of The Statement Of Principles Under The Gambling Act 2005 - Consideration Of Public Consultation Comments.</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> Paul Adams – Principal Licensing Officer	
<b>Accountable Head of Service:</b> Andy Millard – Head of Planning and Transportation.	
<b>Accountable Director</b> Steve Cox - Corporate Director of Environment and Place	
<b>This report is:</b> Public	

### **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 is now due for review. This report brings back to Members of the Licensing Committee the reviewed document, along with the comments received during public consultation, for consideration before adoption.

#### **1. Recommendation(s)**

- 1.1 That the Licensing Committee considers the comments received in relation to the draft reviewed Gambling Act Statement of Principles, and agrees the revised version as in Appendix C, for referral to Council for adoption.**

## 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 (the Statement) 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 first came into effect in January 2007 and was subsequently reviewed in January 2010 and 2013. The Statement now requires review.

## 3. Issues, Options and Analysis of Options

- 3.1 The Council as a Licensing Authority is obliged to have a statement of Principles in place. The current Statement's review date was 6<sup>th</sup> January 2016. The review has been delayed awaiting the publication of a revised guidance for Local Authorities, by the Gambling Commission, which was published in September 2015.
- 3.2 The current statement remains in effect, and will do so until any revision is approved at Council.
- 3.3 A revised document was considered by the Licensing Committee on the 7 July, where it was agreed for public consultation.
- 3.4 The document has been out for public consultation between the 10 August and 5 October 2016.
- 3.5 During this period two comments have been received, the first is from Essex Police, which is attached as **Appendix A**. The second is from Gosschalks Solicitors, on behalf of Association of British Bookmakers (ABB), which is attached as **Appendix B**.
- 3.6 With regards to the Comments received by Essex Police, with regarding relation to representation 1, a wider definition of organised crime has been included in the definitions section in appendix 1. With regards to representation 2, this has been included in the policy statement.
- 3.7 With regards to the comments received on behalf of the ABB, No change has been made to the policy relating to 15.7 or 15.14 to 15.16 at this stage. An additional statement has been added to address the point raised with 15.11.
- 3.8 The revised draft statement is attached as **Appendix C**

#### **4. Reasons for Recommendation**

- 4.1 Amendments to the policy documentation have been made by officers following the public consultation. The Licensing Committee can only recommend to Council the adoption of the policy, it is for Council to adopt the policy on behalf of Thurrock Council.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 4.1 This policy document was consulted on for a period of 8 weeks between 10 August 2016 and 5 October 2016, which is in line with the government's guidance on consultation.
- 4.2 Consultation was undertaken with all current licence holders, and their representatives, other relevant stakeholders in the gambling industry, and has been placed on the Council's website for the duration of the consultation period.

#### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 None

#### **7. Implications**

##### **7.1 Financial**

Implications verified by: **Laura Last**  
**Senior Finance Officer.**

There are no financial implications in relation to this report.

##### **7.2 Legal**

Implications verified by: **Chris Pickering**  
**Principal Solicitor - Litigation & Employment**

Following the public consultation the revised policy needs to be considered in line with the comments received by this committee for approval before being referred to Full Council for adoption.

##### **7.3 Diversity and Equality**

Implications verified by: **Becky Price**  
**Community Development Officer**

The proposed changes to the Statement of Principles include the incorporation of a local area profile that highlights where vulnerable groups are located in

efforts to mitigate potential risks through the application process for gambling operators.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- Appendix A - Comments received from Essex Police
- Appendix B - Comments received on behalf of ABB.
- Appendix C – Final draft reviewed Statement of Principles

**Report Author:**

Paul Adams

Principal Licensing Officer