

**STOCKTON-ON-TEES BOROUGH COUNCIL**

**CABINET RECOMMENDATIONS**

**PROFORMA**

Cabinet Meeting .....26th November 2009

1. Title of Item/Report

The Gambling Act 2005 - Review of the Statement of Licensing Principles

2. Record of the Decision

Consideration was given to a report that informed Cabinet of the results of the consultations carried out on the review of the Statement of Licensing Principles that the Council, as the Licensing Authority, would apply in exercising its functions under the Gambling Act 2005 and to propose the adoption of the revised policy

Section 349 of the Gambling Act 2005 required licensing authorities to publish a “statement of the principles that they proposed to apply in exercising their functions” under the Act, applicable to a 3 year period.

The current Statement of Licensing Principles was approved by Council in December 2006 and under the provisions of the Act need to be reviewed prior to publication in January 2010.

In preparing the statement of principles licensing authorities were required to:-

- Adhere to regulations issued by the Secretary of State
- Consider guidance issued to licensing authorities by the Gambling Commission
- Recognise the need to be reasonably consistent with the licensing objectives where applicable. The licensing objectives were set out at Section 1 of the Act and were:-
  - Preventing gambling from being a source of crime and 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 persons from being

harmed or exploited by gambling.

The Statement of Licensing Principles has been reviewed by officers and a revised draft statement is attached at Appendix 1. The revisions in the main relate decision making and to the definition of premises and how we will deal with the issue of split premises and multiple licences and reflect the revised guidance issued by the Gambling Commission. The section on transitional arrangements had been removed. Changes/new text added to the original statement of principles were in italics.

The Act also required the licensing authority to consult with the following people on its statement of principle:

- (a) the Police
- (b) those who represented the interests; of gambling businesses in their area; and
- (c) those persons which represent interested persons likely to be affected by the exercise of the Authority's functions under the Act.

The revised statement of principles was circulated for comment to:-

- All elected Members
- Town and Parish Councils
- Cleveland Police
- Cleveland Fire Service
- Stockton-on-Tees Safeguarding Children Board
- Environmental Health
- Development Control
- Safer Stockton Partnership
- HM Revenue and Customs
- Primary Care Trust
- Citizens Advice Bureau

- Residents Associations
- Trade Bodies and Associations
- Representatives of Local Businesses
- Organisations working with problem gamblers

In addition the statement was published on the Council's website and comments were invited from anyone who may be affected by the policy.

Only one letter of comment was received during the consultation period and this was considered by the Licensing Committee at their meeting held on Thursday 29 October when it was agreed that no further amendments to the statement of principles was necessary. The Licensing Committee recommended that the draft Statement Of Licensing Principles be submitted to Cabinet and Council for approval.

RECOMMENDED that the revised Statement of Licensing Principles be approved.

3. Reasons for the Decision

Section 349 of the Gambling Act 2005 required licensing authorities to publish a "statement of the principles that they propose to apply in exercising their functions" under the Act, applicable to a 3 year period. The original statement of principles was agreed in December 2006 and the revised version needed to be agreed and published by 3 January 2010.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not applicable

7. Date and Time by which Call In must be executed

Not applicable

Proper Officer  
30 November 2009