

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

26 NOVEMBER 2009

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Housing and Community Safety – Lead Cabinet Member – Councillor Steven Nelson

THE GAMBLING ACT 2005 - REVIEW OF THE STATEMENT OF LICENSING PRINCIPLES

1. Summary

To inform 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, will apply in exercising its functions under the Gambling Act 2005 and to propose the adoption of the revised policy

2. Recommendations

1. The revised Statement of Licensing Principles be approved.

3. Reasons for the Recommendations/Decision(s)

Section 349 of the Gambling Act 2005 requires 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 needs to be agreed and published by 3 January 2010.

4. Members’ Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council’s code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member’s judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same

purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;

- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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THE GAMBLING ACT 2005 - REVIEW OF THE STATEMENT OF LICENSING PRINCIPLES

SUMMARY

To inform 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, will apply in exercising its functions under the Gambling Act 2005 and to propose the adoption of the revised policy

RECOMMENDATIONS

1. The revised Statement of Licensing Principles be approved

DETAIL

1. Section 349 of the Gambling Act 2005 requires 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.
2. 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.
3. In preparing the statement of principles licensing authorities are 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 are set out at Section 1 of the Act and are:-
 - 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 has been removed. Changes/new text added to the original statement of principles are in italics.

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

- (a) the Police
- (b) those who represent 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.

6. 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.

7. 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 were necessary (A copy of the letter considered at their meeting is attached at Appendix 2). The

Licensing Committee recommended that the draft Statement Of Licensing Principles be submitted to Cabinet for approval.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

It is a requirement of the Gambling Act 2005 that the Council, as the licensing authority, shall prepare and publish a statement of licensing principles before each successive period of three years.

RISK ASSESSMENT

COMMUNITY STRATEGY IMPLICATIONS

Procedures under the Gambling Act 2005 assist in preventing crime and protecting vulnerable children and adults.

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Background Papers

Licensing Committee Report - The Gambling Act 2005 – Consultation On The Draft Review Of Statement Of Licensing Principles - 29 October 2009

Ward(s) and Ward Councillors: N/A

