

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting29th November 2012

1. Title of Item/Report

Gambling Act 2005 - Statement of Licensing Principles

2. Record of the Decision

Consideration was given to a report on the Gambling Act 2005 Statement of Licensing Principles.

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, and that the statement of principles shall be reviewed every three years. The Statement of Licensing Principles was approved by Council in December 2009 and under the provisions of the Act, needed to be reviewed prior to re-publication in January 2013.

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

- (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.

A revised statement of principles was drafted and after consideration by the Licensing Committee on 24 July 2012 was published for consultation and a copy was attached to the report. The consultation was carried out with those parties identified within the report, in addition a public notice was placed in a local newspaper inviting comments and the consultation document was published on the Council's website. Only one letter with comments was received during the consultation period from the British Beer and Pub Association and a copy was attached to the report. Members were advised that this was the same response that was received before the initial statement of principles was determined in 2009.

Officers believed that the comments in the letter in respect of the grant of additional permits in alcohol licensed premises were adequately addressed in the Statement of Licensing Principles at paragraphs 24.2 – 24.6 and any further amendments which could fetter the Council's discretion in being able to consider each application on its merits were not recommended.

The Statement of Licensing Principles had been reviewed by the Licensing Committee at its meeting of 2 October 2012 when they recommended that the draft statement be referred to Cabinet for approval.

RECOMMENDED to Council that the draft revised statement of principles be approved.

3. Reasons for the Decision

The Gambling Act 2005 requires the authority to review and publish its statement of principles at least every three years, the current statement of principles was published in 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
03 April 2012