

**LICENSING AND SAFETY COMMITTEE
5 FEBRUARY 2009**

**REVIEW OF STATEMENT OF GAMBLING PRINCIPLES
(Chief Officer: Environment and Public Protection)**

1 PURPOSE OF DECISION

- 1.1 Under the Gambling Act 2005, the Council is required to review and consult upon its 'Statement of Gambling Principles' every three years from the date of adoption. The present Statement of Gambling Principles was published on 31 January 2007 and therefore must undergo a review and be re-published on or before 30 January 2010.
- 1.2 The purpose of this report is to advise the Committee on a proposed timetable to ensure this legal requirement is met.

2 RECOMMENDATION

- 2.1 That the Committee notes the proposed timetable for the review as set out in paragraph 4.6.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

- 3.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the recommendation in this report.

4 SUPPORTING INFORMATION

- 4.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. The Statement of Principles ('the Statement') will last for a maximum of three years and can be reviewed and revised by the authority at any time.

- 4.2 The statement must be produced following consultation with those bodies and persons set out in subsection (3) of section 349. This includes the chief officer of police, persons who represent the interests of persons carrying on gambling businesses in the area and persons who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 4.3 In addition it is recommended that consultation should be in accordance with Government best practice, including allowing 12 weeks for responses to the consultation. Whilst this is not a legal requirement, a failure to consult in an appropriate manner could be grounds for a subsequent legal challenge to the Statement.
- 4.4 Authorities must publish a notice of their intention to publish the Statement specifying the date on which the statement will be published, the date on which it will come into effect, and the address at where it may be inspected. This notice must be placed on the authority's website and on a public noticeboard at the principal office of the authority.
- 4.5 The regulations also stipulate that the Statement must be published at least four weeks before it takes effect.
- 4.6 To enable the Statement to be reviewed and published in accordance with the legislation, the following timetable is recommended:

23 April 2009	Report to Licensing and Safety Committee on proposals for consultation
24 April – 5 June 2009	Internal consultation
15 June – 7 Sept 2009	Public consultation
30 September 2009	Report to CMT on consultation responses received with Draft Statement for comment and approval
1 October 2009	Report to Licensing and Safety Committee on the consultation with Draft Statement for comment and approval
20 October 2009	Report to Executive for approval to take Draft Statement to Full Council
25 November 2009	Draft Statement to Full Council
21 December 2009	New Statement published
30 January 2010	New Statement comes into force

Background Papers

Statement of Gambling Principles (January 2007)

Gambling Commission Guidance to Licensing Authorities (June 2007)

Contact for further information

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