

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 COMMITTEE

30 JULY 2012

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Report prepared by Lorraine Neale

1. GAMBLING ACT 2005 – DRAFT STATEMENT OF LICENSING PRINCIPLES

1.1 Issue for Decision

1.1.1 To consider the three yearly review of the Statement of Gambling Principles and to agree a revised draft for consultation purposes.

1.2 Recommendation of the Head of Democratic Services

1.2.1 That the Gambling Act 2005 draft Statement of Licensing Principles attached to this report is agreed for consultation purposes.

1.3 Reasons for Recommendation

1.3.1 The Committee will recall that the Gambling Act 2005 requires the Council to review from time to time and agree any changes to its Statement of Licensing Principles at least every 3 years. The submission of this report is in line with the provisions of the Act, the current Statement requiring replacement in January 2013. The Statement has worked well for the past 3 years and the only changes recommended are those set out in a guidance issued by the Gambling Commission since May 2009. There is new draft Guidance (Guidance to Licensing Authorities 4th Edition) currently being consulted upon by the Gambling Commission but this will not close until 6, July 2012, and a target publication date set for September 2012. The changes in the new Guidance are reflected in our Statement of Licensing Principles. These changes are shown as track changes in the proposed draft (appendix A)

1.3.2 It is for the Committee at this meeting to agree a draft Statement of Licensing Principles for consultation purposes. The next stage will be a 12 week consultation period which will commence on 1 August 2012? and finish on 24 October 2012. At the meeting on 15 November 2012 the committee will then consider any comments/observations made and agree a statement for submission to the council meeting on 12 December

2012. This will enable the Statement to be published by the required date to commence on 31, January 2013. The policy adopted by Council will then be in place, subject to further review, until 30 January 2016.

1.3.3 The consultees on the statement will be:-

The Chief Officer of Police

Environmental Health Department

Planning Department

Gambling Commission

Maidstone & Malling Police

Kent Fire & Rescue Service

Kent Social Services

HM Revenue and Customs

Environment Agency

British Waterways Board

Secretary of State

All Maidstone Borough Councillors

All Parish Councils

Town Centre Management

All premises currently licensed to sell or supply alcohol

All premises currently licensed for regulated entertainment

All premises currently licensed for late night refreshments

All currently licensed gambling premises

Youth/community groups/ CAB/ problem gambling organizations

Any other prescribed in regulations by Secretary of State

1.4 Alternative Action and why not Recommended

1.4.1 The Committee could decide not to review the current Statement but to do so fail to comply with the Council's duty under section 349 of the Gambling Act 2005.

1.5 Impact on Corporate Objectives

1.5.1 The Statement of Licensing Principles sets out clearly the Council's position in respect of gambling within the Borough and seeks to provide customer excellence in respect of this service.

1.6 Risk Management

1.6.1 If the Committee does not take action to review and consult on the current Statement the Council would not be complying with legislation and there would be a risk of challenge. Agreement of a draft for consultation with a timetable for final agreement and publication is necessary to deal with that risk.

1.7 Other Implications

1. Financial	
2. Staffing	
3. Legal	X
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	
6. Community Safety	
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.7.3 Legal considerations are as set out in the report.

1.8 Background Documents

Appendix A Current Gambling Statement of Licensing Principles
Appendix B Gambling Commission Guidance

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

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This is a Key Decision because:

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Wards/Parishes affected:

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