

Subject:	Subject
Meeting and Date:	Council– 27 January 2016
Report of:	Head of Regulatory Services
Portfolio Holder:	Councillor Nigel Collor, Portfolio Holder for Access and Licensing
Decision Type:	Key Decision
Classification:	Unrestricted
Purpose of the report:	To propose adoption of the draft revised Statement of Policy and Principles issued under the Gambling Act 2005 following the consultation process.
Recommendation:	Council adopts the Statement of Policy and Principles issued under the Gambling Act 2005 without modification.

1. Summary

- 1.1 Section 349 of the Gambling Act 2005 (“the Act”) requires that the Licensing Authority publish a Statement of Policy and Principals as to how it will exercise its functions under the Act.
- 1.2 Although in practice the policy is monitored and reviewed continuously by the Licensing Section, the Gambling Act 2005 also requires that the above policy be formally reviewed every 3 years. A formal review was undertaken and a revised draft policy prepared in November 2015.
- 1.3 The adoption of the policy must be a decision of full Council, but the Local Authorities (Functions and Responsibilities) (England) Regulations require that for the purposes of s.349 of the Act, the Executive are also involved in the decision making process. As such, the draft policy went to Cabinet on 2 November 2015 who approved a period of consultation of the draft revised Statement of Policy and Principles. Cabinet determined that in the event of no or limited representations being received as a result of this consultation, the Portfolio Holder for Access and Licensing should be authorised to propose adoption of the Statement of Policy, with or without modification as necessary. The Portfolio Holder for Access and Licensing has referred the policy to Council for adoption without modification.
- 1.4 Consultation took place between 3 November and 15 December 2016. In compliance with the requirements of s.349 of the Act, the authority wrote to each responsible authority and other bodies that represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Act. A letter was also sent to each of the operators who hold a premises licence within the licensing district, who will represent the interests of those carrying on gambling businesses in the area. Only two comments were received in response to this consultation. Both are attached at **Appendix D**.

- 1.5 Should the full Council determine to adopt the Policy the authority are required to publish the revised Statement of Policy for a period of four weeks, prior to it coming into effect.

2. Introduction and Background

- 2.1 The Gambling Act 2005 has produced little if any problems. Our liaison with the Gambling Commission has been good and produced early interventions where potential problems have arisen. It is anticipated that this productive work will continue in the future.
- 2.2 Whilst we are not complacent as to the potential detrimental effects of gambling this licensing area does not appear to be suffering to the degree of some inner city authorities. This may reflect the racial and age demographics of the district.
- 2.3 There have been no major or controversial changes to the draft revised Statement of Policy. A copy of the policy with changes tracked is shown at **Appendix A**. A copy of the policy with changes accepted is shown at **Appendix B**.
- 2.4 A preliminary Equality Impact Assessment has been carried out in accordance with corporate policy and is attached at **Appendix C**. The assessment highlights a number of areas for concern, including potential discrimination for vulnerable persons and licence holders. These issues have been addressed in the policy to ensure that the treatment of applicants, licence holders remains fair and consistent. It is intended to carry out a full review of the policy in 2016 which will include reference to equalities.

3. Identification of Options

- 3.1 To adopt the revised draft of the Statement of Policy and Principles under the Gambling Act 2005
- 3.2 To amend the revised draft of the Statement of Policy and Principles under the Gambling Act 2005
- 3.3 To reject the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and retain the existing policies.

4. Evaluation of Options

- 4.1 To adopt the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 (Recommended)

This is the preferred option as the policy is due for review.

- 4.2 To further amend the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and to authorise a further period of public consultation.

Members may wish to amend the policy. However, Members should note that if any significant changes are made, it may be necessary to undertake a further period of public consultation, thus delaying implementation of the new policy..

- 4.3 To reject the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and retain the existing policies.

This option is not advised as the Licensing Authority is required under section 349 of the Gambling Act 2005 to review its policy at least every 3 years.

5. **Resource Implications**

5.1 There are no resource implications.

6. **Corporate Implications**

6.1 Comment from the Finance Officer: Finance has been consulted and has nothing further to add (SB)

6.2 Comment from the Solicitor to the Council: The Head of Legal Services has been consulted during the preparation of this report and has no further comment to make.

6.3 Comment from the Equalities Officer: Whilst the report does not specifically highlight any equalities implications, consideration has been given to the protection of children from harm. The report also refers to consultation with a number of groups and all consultation responses are included. Members are reminded that, in discharging their responsibilities they are required to comply with the public sector duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>'

7. **Appendices**

Appendix A – Revised Draft Statement of Policy and Principles (2016 – 19) with changes tracked

Appendix B – Revised Draft Statement of Policy and Principles (2016 – 19) with changes accepted

Appendix C – Equalities Impact Assessment

Appendix D – Consultation responses

Appendix E – Summary of consultation responses

8. **Background Papers**

Gambling Commission – Guidance to Licensing Authorities 5th Edition

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