
Subject: 2013-2016 REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005

Meeting and Date: Council – 27 November 2013

Report of: Susan Herivel, Licensing Team Leader

Portfolio Holder: Councillor Nigel Collor, Portfolio Holder for Access and Property Management

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: That 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 Principles 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 February 2013.
- 1.3 The adoption of the policy must be a decision of full Council, but the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 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 4 February 2013. Cabinet approved a period of consultation of the draft revised Statement of Policy and Principles.
- 1.4 Cabinet further determined that in the event of no or limited representations being received as a result of this consultation, the Portfolio Holder for Access and Property Management should be authorised to propose adoption of the Statement of Policy with possible modification.
- 1.5 In compliance with the requirements of s.349 of the Act, the authority sent a copy of the draft revised policy 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 copy 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 one comment was received which wholeheartedly approved of the Draft Policy and this is attached at **Appendix E**.
- 1.6 Therefore, in accordance with the decision of the Cabinet on 4 February 2013, the Portfolio Holder for Access and Property Management now proposes adoption of the

Statement of Policy (included at **Appendix A**) to the full Council without modification. The decision of the Portfolio Holder is documented in Decision Notice DD09 and is included as **Appendix B**.

- 1.7 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 Guidance to Licensing Authorities published by the Gambling Commission (revised September 2012) states, in relation to consultation, that any written consultation should follow best practice as set out by the Department for Business, Enterprise and Regulatory Reform including allowing 12 weeks for responses.
- 2.2 The Gambling Act 2005 has produced little if any problems. Previous regulation by the Gaming Board was good and we have been fortunate in that the Gaming Board Inspector transferred to the Gambling Commission on transition. Our liaison with him has been good and produced early interventions where potential problems have arisen. It is anticipated that this productive work will continue in the future.
- 2.3 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.
- 2.4 There have been no major or controversial changes to the draft revised Statement of Policy. A summary of the key changes is included at **Appendix C**.
- 2.5 In addition compliance visits to amusement arcades (now called Adult Gaming Centres and Family Entertainment Centres) have shown that operators are keeping well within the confines of the legislation. Whilst nationally there has been some concern in respect of fixed odds betting terminals in betting offices this has not been apparent in this licensing area despite regular visits to such premises.
- 2.6 A preliminary Equality Impact Assessment has been carried out in accordance with corporate policy and is attached at **Appendix D**. 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.

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 and to authorise a further period of public consultation.
- 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 in accordance with the Gambling Act 2005.

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 but should be aware that a further period of consultation may be necessary if any significant changes are made.

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 has a duty 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 Section 151 Officer: Finance has been consulted and has no further comments to add.

6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

6.3 Comment from the Equalities Officer: The Equality officer has been consulted during the development of this report and has no further comments to make other than to remind members that in discharging their responsibilities they are required to comply with the public sector equality 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 issued under the Gambling Act 2005 (2013-2016)

Appendix B – Decision DD09 of Councillor Nigel Collor, Portfolio Holder for Access and Property Management

Appendix C – Summary of Key Changes to the original policy (2010-2013)

Appendix D – Equalities Impact Assessment

Appendix E – Response to Consultation

8. **Background Papers**

Gambling Commission – Guidance to Licensing Authorities 4th Edition

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