



REPORT TO: Full Council 29 November 2018
LEAD OFFICER: Health & Environmental Services Business & Licensing Manager

REVIEW OF THE DRAFT STATEMENT OF GAMBLING ACT 2005 POLICY

Purpose

1. To seek approval for the revised Draft Statement of Gambling Act 2005 Policy in line with the requirements of the Gambling Act 2005.
2. This is a key decision because it
 - is likely to be significant in terms of its effects on communities living or working in all wards of the District
 - raises new issues of policy
 - is significant to the locality, the Council and the services which it provides

Recommendations

3. That Full Council adopt the Gambling Act 2005 Policy Statement, attached as **Appendix A**.

Reasons for Recommendations

4. It is a statutory duty to have in place by no later than 31st January 2019 a new Gambling Act Licensing Policy statement.

Background

5. A statement of this licensing policy is a requirement under section 349 of the Gambling Act 2005 and without a policy South Cambridgeshire District Council may be subject to a judicial review for failing to carry out a statutory duty. In preparing the revised statement of the Licensing Policy, officers gave full regard to both the requirements of the Act itself and the guidelines issued by the Gambling Commission in September 2015 (updated September 2016) and where relevant Council strategies such as crime and disorder.
6. The policy will remain in force for three years but may be reviewed at any time before this if required. It will form the basis of any decision taken in respect of applications or

enforcement under the Gambling Act 2005 by Officers or any Committee or sub-committee involved in licensing decisions.

7. Central Government has stated that the revised Licensing Policy must be published by 31st January 2019.
8. The draft Gambling Act 2005 Policy (Appendix A) has been subject to a public consultation. Details of the policy were circulated to all Responsible Authorities along with persons or businesses that had been in contact with the Licensing section over the previous year. It was also published on our website and circulated to Parish Councils.
9. The draft policy being circulated for approval remains very similar to the previous policy in force since 2016 and changes mainly relate to changes made in the Gambling Commission guidance to Licensing Authorities updated September 2016, or Government changes to prize stakes.
10. Consultation took place In July 2018. 4 formal responses were received. Based on these responses no changes were recommended to the draft policy, and Members' views were sought.
11. The Licensing Committee approved the draft policy, subject to minor changes, on 17th October 2018..

Considerations

12. After being recommended by the Licensing Committee, the Policy is being put before full Council for final approval and adoption. The policy will remain in force for three years but may be reviewed at any time before this if required.
13. The policy will form the basis of any decision taken in respect of applications or enforcement under the Gambling Act 2005 by officers or any Committee or Sub-committee involved in licensing decisions.
14. The Policy is a document that continually develops to reflect the changing nature of the gambling industry, Government initiatives and the needs of local businesses and residents alike.

Options

15. Full Council may approve, amend or reject the draft Statement of Gambling Act Policy.
Full Council to formally adopt a final policy.

Implications

16. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

17. None arising from this report

Legal

18. Failure to adopt a Policy in relation to the Gambling Act 2005 will mean that South Cambridgeshire District Council will fail in its statutory duties and may be subsequently subject to Judicial Review.

Staffing

19. None arising from this report

Risk Management

20. A statement of Gambling Act Licensing Policy is a requirement of the Gambling Act 2005 and without a policy the Council may be subject to Judicial Review for failing in its responsibility to carry out a statutory duty

Equality and Diversity

21. The Council must comply with the Public Sector Equality Duty in the exercise of its functions and have due regards to the needs of persons who share a relevant protected characteristic (i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation). A full equality impact assessment will be prepared should committee recommend this draft policy to full Council.

Climate Change

22. None arising from this report

Consultation responses

23. As part of the consultation process Officers consulted with a broad range of people including:
- Police
 - Fire Authority
 - Trading Standards
 - Social Services
 - Environmental Health
 - Planning
 - Health & Safety
 - All Gambling Licence holders
 - Parish Councils
24. The consultation document was also available for general comment via the Council's website.
25. Should the policy be adopted by full Council then no further consultation will be required before the implementation date of 31st January 2019. After this date the policy will effectively remain under review and should it require alteration, consultation will take place with the relevant persons before any amendments are implemented

Effect on Strategic Aims

Aim 1 – Economic Development – We will be business friendly, with a focus on rural enterprises to create new jobs and opportunities near where people live.

Background Papers

Guidance issued under the Gambling Act 2005 by the Gambling Commission
September 2016 5th Edition.

South Cambridgeshire Statement of Gambling Policy

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