

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee and Environmental Health Portfolio Holder 26 June 2006
AUTHOR: Chief Environmental Health Officer

DRAFT POLICY STATEMENT OF GAMBLING ACT 2005

Purpose

1. To seek approval for the draft Gambling Act Licensing Policy statement to be issued for formal consultation attached as an **Appendix** to this report.

Effect on Corporate Objectives

2.

Sustainability	The main objectives of the Act have the objective of sustainability at their heart, see comments on village life and quality, accessible services
Quality, Accessible services	Premises will be permitted more flexibility in how they operate, but this will be balanced by greater accountabilities
Village Life	The objectives of the Act are all aimed at preventing gambling from being a source of crime and disorder, ensuring gambling is conducted in a fair and open way, protecting children and other vulnerable adults from being harmed or exploited by gambling.
Partnerships	The draft Policy promotes the closer partnership working with organisations including Police and Fire Authorities.

Background

3. South Cambridgeshire District Council currently carries out Licensing functions related to gambling under various statutes including Lotteries Act 1976, Licensing Act 2003 and Gambling Act 1968.
4. The new Gambling Act 2005 received Royal Assent on the 7 April 2005 heralding the introduction of a completely new piece of legislation with regards to licensing of casinos premises, bingo premises, betting premises (including tracks), adult gaming centres, family entertainment centres, small lotteries and gaming machines. The Gambling Act 2005 introduces a unified regulator for gambling in Great Britain, the Gambling Commission, and a new licensing regime for commercial gambling, which will be conducted by the Commission or by the Licensing Authority, depending on the matter to be licensed.
5. The introduction of the Act removes from the Licensing Justices all responsibility for granting gaming and betting permissions, instead the Commission and Licensing Authorities will share between them the responsibility for all matters previously regulated by the Licensing Justices. The Act places a range of new powers and responsibilities upon the licensing authority to license gambling premises in our community. These powers will include the issuing of premises licences, temporary use notices and a range of other permits and permissions.

6. In April 2006 the Gambling Commission issued its formal guidance to accompany the Act. This allows for Licensing Authorities to begin the development of their Gambling Act Licensing Policy and to proceed with the consultation requirements included within the Act.
7. At the same time as issuing the guidance, Central Government also stated that the development, consultation re-drafting and adoption of a Gambling Act Licensing Policy must be completed in good time for accepting applications under the new regime. They have declared that the first date for accepting applications will be 31 January 2007.
8. The introduction of 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. In preparing the draft Gambling Act Licensing Policy, Officers have given full regard to both the requirements of the Act itself and the guidelines issued by the Department of Culture Media and Sports, the Gambling Commission and where appropriate relevant Council strategies such as Crime and Disorder.

Considerations

9. The Act states that the Licensing Authority must carry out a consultation process as part of this Act. We are required to consult with the following:
 - The Chief Police officer for Cambridgeshire
 - Persons who appear to the Authority to represent the interests of persons carrying on Gambling businesses in the Authorities area; and
 - Persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's function under this Act.
10. Unlike with the Licensing Act 2003 which was very restrictive in who the Authority could consult with, this Act is deliberately wide, therefore the consultation document will be forwarded to all relevant business interests i.e. William Hill, Ladbrokes etc. Parish Councils will also be consulted as persons who represent the interests of persons likely to be affected by Gambling Act Policy statement. In addition Gamcare will be consulted as a national body primarily dealing with the victims of Gambling, including gambling addicts and those persons affected by people with gambling problems and others as listed in the policy document.
11. The Policy is currently 'work in progress' and will be 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. The policy will remain in force for three years but may be reviewed at any time before this if required.
12. As a Licensing Authority, the Council will be required to follow a clearly defined procedure before issuing any policy. This will include publishing a notice of its intention to publish a formal notice in a local newspaper and on the website.
13. After the consultation period, as detailed in paragraph 9, appropriate weight will be given to any views submitted by the respondents and a finalised copy of the Gambling Act Licensing Policy will be drawn up for final consideration and approval.

14. The final Policy will be forwarded in the following manner:
 - Environmental Health Portfolio holder and Licensing Committee will consider responses and suggested amendments second week October 2006
 - In November, Cabinet will meet and consider the report, making recommendation to Council.
 - Policy will be put before full Council in November for final approval and adoption.
 - December 2006, publication of Licensing Policy
 - 31 January 2007, first appointed day.
15. The policy will then 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.
16. The statement of Licensing Policy will be reviewed in full at 3 yearly intervals as required by the Act but will be open to review at any time during that period should it prove necessary to do so.

Financial Implications

17. The fee structure for the Gambling Act has not yet been announced by Central Government, however it is known that it will follow similar guidelines to that of the Licensing Act 2003 by banding premises according to rateable value.
18. Training costs for associated with this Act have been taken into consideration within the existing budgets for 2006/07 for staff and members.

Legal Implications

19. As stated in the report.

Staffing Implications

20. The introduction of the new Gambling Act was considered as part of the licensing section staffing review reported to Cabinet in February. Its implementation will result in an increase in workload for existing officers both in terms of collating responses during the consultation process and dealing with applications after the 31 January 2007. It is expected that the period from March 2007 to October 2007 will see a peak in the number of applications received. It is not expected that additional staff will be required to implement this new legislation, however the Chief Environmental Health Officer will assess the position against peak workloads closer to the time.

Consultations

21. Consultations will be carried out in accordance with the Act as per paragraph 9.

Recommendation

22. That the Licensing Committee recommends to the Environmental Health Portfolio Holder that the draft Gambling Act Licensing Policy document (attached as an Appendix to this report) is approved for formal consultation.

Background Papers: Guidance issued under the Gambling Act 2005 by the Gambling Commission April 2006

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