

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Licensing Committee & Environmental Services Portfolio Holder 23 October 2009  
**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager Health & Environmental Services

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### REVISION TO POLICY STATEMENT OF GAMBLING ACT 2005

#### Purpose

1. To seek approval for the revised Gambling Act Licensing Policy statement of Licensing Policy in line with the requirements of the Gambling Act 2005.
2. This is a key decision as it is significant to the service the Council provides and it was first published in the August 2009 Forward Plan.

#### Background

3. A statement of licensing policy is a requirement under section 1 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 Department of Culture Media and Sport (DCMS), Gambling Commission and where relevant Council strategies such as crime and disorder.
4. Central Government has stated that the revised Licensing Policy must be published by 31<sup>st</sup> January 2010.
5. At the previous meeting of the Licensing Committee & Environmental Health Portfolio Holder on 13 July 2009, the revised Licensing Policy (**Appendix A**) was approved for public consultation. Information on how to view the policy was circulated to over 250 potential consultees (**Appendix B**) including representatives of faith groups and solicitors known to deal with gambling issues.

#### Considerations

6. Consultation took place between 17 July 2009 and 9 October 2009. No replies were received from consultees and no alterations have been made to the draft policy circulated for public consultation.
7. 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. 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.

#### Options

8. Members may after consideration opt for one of the following options:

- (a) To recommend the Policy as submitted at Appendix B for approval by the Leader and Council, or
- (b) To make further amendments followed by recommendation for approval by the Leader and Council

### Implications

10. Financial	Consultation costs within existing budgets
Legal	As stated in the report.
Staffing	There are no staffing implications arising for this report.
Risk Management	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.
Equal Opportunities	Consultation has taken place with relevant groups. The Policy will have an EqIA undertaken.

### Consultations

- 11. Appendix A identifies those persons that were consulted in this matter.

### Effect on Strategic Aims

12.	<b>Commitment to being a listening council, providing first class services accessible to all.</b>
	Consultation has taken place for a twelve-week period allowing relevant parties to raise any issues regarding the revised policy for consideration by the authority.
	<b>Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.</b>
	The policy clearly states the objectives of the relevant Act and seeks to promote the protection of vulnerable adults and children.
	<b>Commitment to making South Cambridgeshire a place in which residents can feel proud to live.</b>
	The revised policy advises readers that the concerns of relevant parties will be taken into consideration in line with the Gambling Act objectives when making decisions regarding premise applications within South Cambridgeshire.
	<b>Commitment to assisting provision for local jobs for all.</b>
	All applications will be considered on their individual merits and consideration will be given to any relevant Government guidance issued in respect of the Gambling Act 2005.
	<b>Commitment to providing a voice for rural life.</b>
	A sub committee of the Licensing Committee will hear any relevant representations made against applications.

### Conclusions/Summary

- 13. The introduction of the Gambling Act 2005 devolved more responsibilities to Local Authorities. The consultation carried out appears to indicate that the revised policy is written in a clear manner. The procedure for adopting the policy follows the legislative requirements.

## **Recommendation**

14. It is recommended that the Licensing Act 2003 Committee recommends to the Environmental Health Portfolio Holder that the Gambling Act 2005 statement of Policy as attached at Appendix B to this report be approved and is ratified and adopted by the Leader and Council.

**Background Papers:** Guidance issued under the Gambling Act 2005 by the Gambling Commission May 2009 3<sup>rd</sup> Edition.

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