



Report To: Licensing Committee

14 December 2015

Lead Officer: Head of Service Environmental Health & Licensing

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 because
 - it raises new issues of policy, or is made in the course of developing proposals to amend the policy framework, or is a decision taken under powers delegated by the Council to amend an aspect of the policy framework and it was first published in the 2015 Forward Plan.

Recommendations

3. It is recommended that the Licensing Act 2003 Committee recommends to Cabinet that the Gambling Act 2005 statement of Policy as attached at **Appendix A** be approved and is ratified and adopted by the Leader and Council

Background

4. 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
5. Central Government has stated that the revised Licensing Policy must be published by 31 January 2016
6. The draft Licensing Policy (**Appendix A**) has been subject to a public consultation. Information on how to view the policy was circulated to a range of potential consultees including representatives of special interest groups and solicitors known to deal with gambling issues along with Parish Councils and responsible authorities such as Police. The consultation was also publicised through library notices and on our own website.

7. The draft policy being circulated for approval remains very similar to the previous policy in force since 2013 with the exception of some typographical errors identified and updated contact details and web address links. Changes have been made at the following pages:-

- Pg 3 – Changes to permitted prize stakes – Gov` t change
- Pg 5 – Typing error
- Pg 6 – Typing error
- Pg 9 – updated SCDC policy details
- Pg 13 – Updated Gambling Commission details + closed brackets
- Pg 19 – New heading for clarity purpose + Typing error

Considerations

8. Consultation took place between 9 October 2015 and 12 November 2015. No comments were received from consultees and no significant alterations have been made to the draft policy circulated for public consultation.

9. Changes made are highlighted in red

10. 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

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

- To recommend the amended policy as submitted at **Appendix A** for approval by the Leader and Council.
- To make further amendments followed by recommendation for approval by the Leader and Council.

Implications

12. 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

13. Failure to adopt a policy may lead to a judicial review for failing to adhere to a statutory duty and incur costs.

Legal

14. The Gambling Act is a statutory duty

Staffing

15. No staffing implications arise for this report

Risk Management

16. 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

17. The Policy reflects the Governments guidance in relation to the administration of the gambling Act 2005 by Local Authorities Consultation has sought views from relevant groups.

Consultation responses

18. No responses were received in respect of this consultation process.

Effect on Strategic Aims

Aim 1 - Commitment to being a listening Council :-

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.

Aim 2 - Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all:-

The policy clearly states the objectives of the relevant Act and seeks to promote the protection of vulnerable adults and children.

Aim 3 - Commitment to making South Cambridgeshire a place in which residents can feel proud to live:-

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.

Background Papers

Guidance issued under the Gambling Act 2005 by the Gambling Commission May 2015 5th Edition.

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