

**REPORT TO:** Licensing Committee

17 October 2018

**LEAD OFFICER:** Health & Environmental Services Business & Licensing Manager

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## **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 decision:
  - 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 the Licensing Committee recommends to full Council that the Gambling Act 2005 Policy Statement, attached as **Appendix A**, be adopted.

### **Reasons for Recommendations**

4. It is a statutory duty to have in place by no later than 31<sup>st</sup> 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. The closing date for comments was the 8<sup>th</sup> October 2018.
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. All changes are shown using track changes.-

### **Considerations**

10. Consultation took place In July 2018. Four formal responses were received, which are included at **Appendix B**. Based on these responses no changes are recommended to the draft policy, subject to Members' views.
11. 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
12. After being recommended by the Licensing Committee, the Leader will make a recommendation to Council at its meeting on 29<sup>th</sup> November 2018 to approve and adopt the policy. 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.

### **Options**

13. The Licensing Committee may approve, amend or reject the draft Statement of Gambling Act Policy. However, only full Council may formally adopt a final policy.

### **Implications**

14. 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***

15. None arising from this report

#### ***Legal***

16. 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***

17. None arising from this report

### ***Risk Management***

18. 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***

19. 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***

20. None arising from this report

### **Consultation responses**

21. 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
22. The consultation document was also available for general comment via the Council's website.
23. Should the policy be adopted by full Council then no further consultation will be required before the implementation date of 31<sup>st</sup> 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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