

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Environmental Health Portfolio Holder
and Licensing Committee

16 October 2006

AUTHORS: Executive Director/Licensing Officer

SOUTH CAMBRIDGESHIRE DISTRICT COUNCILS STATEMENT OF LICENSING POLICY GAMBLING ACT 2005

Purpose

1. To seek approval for the Gambling Act 2005 policy statement by Cabinet and Council as South Cambridgeshire's formal statement of Licensing Policy in line with the requirements of the Gambling Act 2005.

Background

2. The introduction of 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 draft 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.
3. Central Government has stated that the development, consultation, re-drafting and adoption of a Licensing Policy must be completed in time for accepting applications under the new regime. They have declared that the first date for accepting applications will be 30 April 2007.
4. At the previous meeting of the Environmental Health Portfolio Holder and the Licensing Act 2003 Committee on 26 June 2006 the draft Licensing Policy was approved for public consultation. The purpose of which was to seek views and make relevant amendments to the draft policy. The policy was circulated to over 250 potential consultees (Appendix D) including representatives of the gambling trade, pubs and breweries, Parish Councils, representatives of faith groups and solicitors known to deal with gambling issues. The closing date for replies was the 29 September 2006.
5. The Authority received 4 replies as attached at **Appendix A**.

Considerations

6. Careful consideration has been given to the views submitted by consultees as detailed in **Appendix B**. As a result some amendments have been made as shown in ***Bold Italics*** in the finalised copy of the Licensing Policy attached as **Appendix C**.

Options

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

- (a) To recommend the Policy as submitted at Appendix C for approval by Cabinet and Full Council.
- (b) To make further amendments followed by recommendation for approval by Cabinet and Full Council.

Implications

8.	Financial	The fee structure for the Gambling Act has not yet been announced by Central Government, however it is expected that it will follow similar guidelines to that of the Licensing Act 2003 by banding premises according to rateable value. Training costs associated with this Act have been taken into consideration within the existing budgets for 2006/07 for staff and members.
	Legal	Any policy or subsequent applications may be subject to challenge. Failure to adopt a policy as laid out in paragraph 4 may result in South Cambridgeshire District Council being subjected to a Judicial review.
	Staffing	The introduction of the new Gambling Act was considered as part of the licensing section staffing review reported to Cabinet in February.
	Risk Management	Implementation of the Licensing Policy in accordance with the requirements of the Act will reduce the risk of legal challenges in the future.
	Equal Opportunities	The Council will promote equal opportunities in relation to this legislation as required by law.

Consultations

9. **Appendix D** identifies those persons that were consulted in this matter.

Effect on Annual Priorities and Corporate Objectives

10.	Affordable Homes	Not applicable
	Customer Service	Service first standards will apply to this legislation unless specifically stated otherwise in the Act itself.
	Northstowe and other growth areas	Not applicable
	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.
	Sustainability	The main objectives of the Act have the objective of sustainability at their heart, see comments on village life and quality, accessible services.
	Partnership	The draft Policy promotes the closer partnership working with organisations including Police and Fire Authorities.

Conclusions/Summary

11. The introduction of the Gambling Act 2005 devolves more responsibilities to Local Government. This responsibility is taken seriously and the development of a policy is an important matter. The consultation responses, although few in number, generally endorsed the draft policy whilst making some suggestions for improvement. The procedure for adopting a policy has followed the legislative requirements. Any policy will be adopted for a period of three years whereupon it will be reviewed again to take into account any changes in legislation or changes within the district. However it may be reviewed at any time if circumstances change and it is felt a review is appropriate.

Recommendations

12. It is recommended that the Licensing Committee recommends to the Environmental Health Portfolio Holder that the Gambling Act 2005 Statement of Policy as attached as Appendix C be approved and is ratified and adopted by Cabinet and Council.

Background Papers: the following background papers were used in the preparation of this report: Guidance issued under the Gambling Act 2005 by the Gambling Commission April 2006

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