

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Licensing Committee & Environmental Services Portfolio Holder 13 July 2009  
**AUTHOR/S:** Corporate Manager Health & Environmental Services / Licensing Officer

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### REVISION TO POLICY STATEMENT OF GAMBLING ACT 2005

#### Purpose

1. For the Licensing Committee to recommend to the Environmental Services Portfolio Holder that the revised Gambling Act Licensing Policy statement be issued for formal consultation.
2. This not a key decision.

#### Background

3. South Cambridgeshire District Council currently carries out licensing functions related to gambling under various statutes including the Licensing Act 2003 and Gambling Act 2005.
4. The Gambling Act 2005 received Royal Assent on the 7 April 2005 introducing a unified regulator for gambling in Great Britain, the Gambling Commission, and a new licensing regime for commercial gambling, which is conducted by the Commission or by the Licensing Authority, depending on the matter to be licensed.
5. The introduction of the Act gave all responsibility for granting gaming and betting permissions, to the Gambling Commission and Licensing Authorities. The Act places a range of powers and responsibilities upon the licensing authority to license gambling premises in the Council's area. These powers include the issuing of premises licences, temporary use notices and a range of other permits and permissions.
6. In May 2009 the Gambling Commission published the 3<sup>rd</sup> edition of its formal guidance to Licensing Authorities in order that existing Policy could be updated in accordance with the requirements laid down in the Gambling Act 2005 including the consultation requirements.
7. In preparing the revised Gambling Act Licensing Policy, Officers have given full regard to both the requirements of the Act itself and the guidelines issued by Local Authorities Coordinators of Regulatory Services (LACORS), the Gambling Commission and where appropriate relevant Council strategies such as Crime and Disorder.

#### Considerations

8. The Act states that the Licensing Authority must carry out a consultation process. The Council is required to consult with the following:
  - The Chief Officer of Police 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.
9. The Act is deliberately wide and therefore the consultation document will be forwarded to all relevant businesses with an interest i.e. William Hill, Ladbrokes etc. The Council will also consult with Parish Councils as persons who represent the interests of persons likely to be affected by Gambling Act Policy statement. In addition the Council will also consult with Gamcare, 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.
  10. The consultation period will run from the 17 July to the 9 October 2009.
  11. As a Licensing Authority, the Council is required to follow a clearly defined procedure before issuing any policy. This includes publishing a notice of its intention to publish a formal notice in a local newspaper and on the Council's website.
  12. After the consultation period, appropriate weight will be given to any views submitted by the respondents and a finalised revised copy of the Gambling Act Licensing Policy will be drawn up for final consideration and approval.
  13. The final revised Policy will be forwarded in the following manner:
    - On 23 October 2009 the Licensing Committee and Environmental Services Portfolio holder will consider responses and suggested amendments.
    - Cabinet on the 12 November 2009 will consider the recommendation, and make its recommendation to Council.
    - 26 November Council will consider Cabinet's recommendation for final approval and adoption.
    - January 2009; publication of Licensing Policy
    - 31 January; first appointed day.
  14. 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.
  15. 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.
  16. The main revisions from the previously agreed Policy include:
    - (a) Categories of casinos removed.
    - (b) Alterations to number of gaming machines by type to reflect changes regarding casinos and guidance.
    - (c) Clarification of "Interested Parties" and "people living close to the premises"
    - (d) Enforcement section revised to take into account better regulation agenda.
    - (e) Sections revised to take into account legal cases and Government guidance surrounding such matters as decision making; definitions; Casinos; Bingo premises; Tracks; applications and plans.

## Options

17. The Environmental Services Portfolio Holder may accept the revised policy put before her or amend where necessary before consultation/publication.

## Implications

18. 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 will take place with relevant groups as outlined in the Act

## Consultations

19. Consultations will be carried out in accordance with the Act as detailed in the body of the report.

## Effect on Strategic Aims

20.	<b>Commitment to being a listening council, providing first class services accessible to all.</b>
	Consultation will take 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. Gamcare and Cambridgeshire Constabulary will be sent a copy of the revised policy for consideration.
	<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

21. The introduction of the Gambling Act 2005 devolved more responsibilities to Local Authorities. The consultation responses will show whether the revised policy is written in a clear manner or requires amendments. The procedure for adopting the policy is following the legislative requirements.

## Recommendations

22. It is recommended that the:
- (a) Licensing Committee recommend to the Environmental Services Portfolio Holder that the revised Gambling Act Licensing Policy document (attached as an **appendix** to this report) be approved for formal consultation,
  - (b) Environmental Services Portfolio Holder approve the revised Gambling Act Licensing Policy document for formal consultation.

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

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