

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Licensing Committee / Environmental  
Services Portfolio Holder

5 July 2012

**AUTHOR/S:** Director – 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 Policy statement for consultation in line with the requirements of the Gambling Act 2005.
2. This is not a key decision.

#### Recommendation

3. It is recommended that The Licensing Act 2003 Committee recommends to the Environmental Services Portfolio Holder that the Gambling Act 2005 statement of Policy, as attached as an **Appendix**, be approved for consultation and subsequent ratification and adoption by Council.

#### Reasons for Recommendations

4. No major reforms to current legislation have taken place.
5. Legislation requires that the Statement of Policy is considered and amended where necessary every three years. It is intended that the consultation period for the updated Statement of Policy will take place between 17 July 2012 and 28 September 2012 for publication on the anniversary date of 31 January 2013.

#### Background

6. 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
7. In May 2009 the Gambling Commission published the 3rd 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.
8. 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. In preparing the draft Gambling Act Licensing Policy, Officers have given full regard to both the requirements of the Act itself and the guidelines issued by, the Gambling Commission and where appropriate relevant Council strategies such as Crime and Disorder.

9. Central Government has stated that the revised Licensing Policy must be published by 31 January 2013. Failure to do so may lead to a judicial review for failure to comply with statutory legislation.
10. Consultation will take place between 17 July 2012 and 28 September 2012 and will be available for viewing on the Council website, at public libraries, and at the Council's reception. In addition officers will notify other interested parties as detailed in paragraph 12 below.
11. The Policy recommended for consultation contains no changes from the current policy in force since 2009.

### **Considerations**

12. 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 interest 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.
13. 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 interest of persons likely to be affected by the 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 listed in the policy document.
14. 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 public a formal notice in a local newspaper and on the Council's website.
15. 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.
16. The approved policy 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.
17. 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.

### **Options**

18. Members may after consideration opt for one of the following options:
19. To recommend the Policy as shown in the attached appendix to be approved for consultation with interested parties and stakeholders.

20. To make further amendments prior to approval for consultation.

### **Implications**

21. 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.
Equality and Diversity	Consultation will take place with relevant groups as outlined in the Act
Equality Impact Assessment completed	yes Assessment was neutral impact
Climate Change	N/A

### **Consultations**

22. Consultation will take place with the following:-
1. The Chief Officer of Police for Cambridgeshire
  2. Persons who appear to the Authority to represent the interest of persons carrying on Gambling businesses in the Authorities area: and
  3. 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.

### **Consultation with Children and Young People**

23. The Policy applies only to premises and activities restricted to over 18's.

### **Effect on Strategic Aims**

24. 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 draft policy for consideration.
25. 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 draft policy for consideration.
26. 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. Any relevant representations made against applications will be heard by a Sub-committee of the Licensing Committee.

### **Conclusions / Summary**

27. The introduction of the Gambling Act 2005 devolved more responsibilities to Local Authorities. This responsibility is taken seriously and the development of a policy is an important matter. The consultation responses will show whether the draft policy is written in a clear manner or requires amendments. The procedure for adopting a policy is following the legislative requirements. Any policy will be adopted for a period of three years, subject to any legislative changes, whereupon it will be reviewed again

to take into account any changes either legislatively or within the district, however it may be reviewed at any time if circumstances change and it is felt that a review is appropriate.

**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 May 2009 3rd Edition.

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