

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Licensing Committee

11 October 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 Licensing Policy statement of Licensing Policy in line with the requirements of the Gambling Act 2005.
2. This is a key decision because it is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards.

#### Recommendations

3. It is recommended that the Licensing Committee recommends to Council that the Gambling Act 2005 statement of Policy as attached at **Appendix A** be approved.

#### 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 2013.
6. At a meeting of the Licensing Committee on 5 July 2012 the draft Licensing Policy was approved for public consultation. Information on how to view the policy was circulated to over 250 potential consultees, including representatives of special interest groups and solicitors known to deal with gambling issues along with Parish Councils and responsible authorities, eg, Police.

#### Considerations

7. Consultation took place between 6 July and 28 September 2012. No comments were received from consultees and no significant alterations have been made to the draft policy circulated for public consultation.
8. Changes made are highlighted in red and relate to changes in Government guidance or amendments to the legislation itself, the most noticeable changes being at pages 3 and 19 in the Policy.
9. 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 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

10. The Committee may after consideration, opt for one of the following options:
- recommend the amended policy as submitted at Appendix A for approval by full Council, or
  - make further amendments followed by recommendation for approval by full Council.

## Implications

11. Financial	Consultation costs within existing budgets
Legal	As stated in the report.
Staffing	There are no staffing implications arising from 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	The Policy reflects Government guidance in relation to the administration of the Gambling Act 2005 by Local Authorities. Consultation has sought views from relevant groups.
Equality Impact Assessment completed	Yes Partial
Climate Change	N/A

## Consultations

12. **Appendix B** identifies those persons that were consulted on this matter.

## Effect on Strategic Aims

13. 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.
14. The policy clearly states the objectives of the relevant Act and seeks to promote the protection of vulnerable adults and children.
15. 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.

## Conclusions / Summary

16. The introduction of the Gambling Act 2005 devolved more responsibilities to Local Authorities. The consultation carried out appears to indicate that the revised policy is written in a clear manner. The procedure for adopting the policy is following the legislative requirements.

**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 3<sup>rd</sup> Edition.

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