

REPORT FOR DECISION

MEETING: Licensing and Safety Panel

DATE: 9th November 2009

SUBJECT: GAMBLING ACT 2005 – TRIENNAL POLICY REVIEW

REPORT FROM: EXECUTIVE MEMBER FOR ENVIRONMENT AND TRANSPORT

CONTACT OFFICER: M Bridge

TYPE OF DECISION: COUNCIL

FREEDOM OF INFORMATION/STATUS: This paper is within the public domain

SUMMARY: The Gambling Act 2005 Section 349 requires the Local Authority to prepare and publish a Gambling Policy Statement at least every three years. The existing policy was agreed by Council on 13th December 2006.

The report is to be considered by Council on the 16th December 2009.

OPTIONS & RECOMMENDED OPTION

The statement as presented can be accepted, amended or rejected but to comply with the statute a revised statement has to be agreed by Council on 16th December 2009.

It is recommended that the statement be accepted without major amendment. Widespread consultation has not revealed any major problems with the existing statement.

IMPLICATIONS:**Corporate Aims/Policy Framework:**

Do the proposals accord with the Policy Framework? **Yes** No

Financial Implications and Risk Considerations:

If the Authority does not have a revised statement in place by the 3rd January 2010 it will not be able to fulfil it's duties under the act

Statement by Director of Finance and E-Government:

The revenue budget includes provision for expenditure and income associated the gambling activities covered by the statement. The proposed changes to the statement are not anticipated to result in any significant change to resource requirements

Equality/Diversity implications:

The statement will affect all sections of the community equally. EIA completed
Yes No

Considered by Monitoring Officer:

Yes

Are there any legal implications?

Yes No
The Council must comply with the Gambling Act 2005 and the guidance issued to Local Authorities which will require the Council to have a Statement of Gambling Policy and to carry out a review of this policy. Such a review has been carried out and the result of the review is that the policy has been amended.

Staffing/ICT/Property:

None as this policy will simply replace the existing

Wards Affected:

All equally

Scrutiny Interest:

Economy, Environment and Transport

TRACKING/PROCESS**DIRECTOR:**

Chief Executive/ Management Board	Executive Member/Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council

1.0 BACKGROUND

- 1.1 The Gambling Act 2005 requires the Authority to prepare and publish a Policy Statement prior to carrying out functions under the Act.
- 1.2 The Policy Statement must be published by the 3 January 2010 being 28 days before the current Policy Statement ceases to have effect on the 31 January 2010.
- 1.3 The Act is based on the promotion of 3 licensing objectives:
 - a) preventing gambling from being a source of crime and disorder
 - b) ensuring that gambling is conducted in a fair and open way and
 - c) protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 The Act provides that Authorities should aim to permit gambling in so far as they think it:
 - a) in accordance with issued codes of practice
 - b) in accordance with guidance issued by the Gambling Commission
 - c) reasonably consistent with the licensing objectives; and
 - d) in accordance with their Policy Statement

2.0 ISSUES

- 2.1 In preparing the policy statement the Authority has to have regard to codes of practice and guidance issued by the Gambling Commission
- 2.2 A copy of the amended policy statement is attached at Appendix 1.
- 2.3 If the Policy Statement is not agreed by Council and published by the 3 January 2010 the Authority will not have fulfilled the statutory requirements of the Act and Regulations.
- 2.4 An Equality Impact Assessment has been completed and the Policy is considered to be largely neutral in impact.

3.0 CONSULTATION

- 3.1 The consultation has been in accordance with Cabinet Office guidelines which require a twelve week period for public consultation.
- 3.2 The Act requires consultation with a number of statutory defined consultees.
- 3.3 The consultation has been also been made available on the Council's website.

4.0 CONCLUSION

- 4.1 The policy statement as been in existence for three years and to date has not been challenged formally or informally.

- 4.2 Only two responses have been received during the consultation from the British Beer and Pub Association and the Salvation Army. The issues raised are covered by the policy. The policy statement delegates the consideration of machines at alcohol licensed premises to officers and the no casino resolution if required would be conducted through full consultation.
- 4.3 The policy statement can be reviewed at any time during the three year cycle to take account of emerging issues.
- 4.4 The Authority is required to have a Policy Statement and it must be published prior to the 3rd January 2010, otherwise the Council will be acting unlawfully.
- 4.5 For the Policy Statement to be agreed by that date it will need to be placed before Council at the 16 December 2009 meeting if a special Council meeting is to be avoided.

List of Background Papers:-

Appendix 1 – Copy of amended policy statement

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