

## **Gambling and Licensing Acts Committee**

**20 November 2009**

Report of the Director of Neighbourhood Services

### **Gambling Act 2005 -Triennial Review of the Statement of Policy.**

#### **Summary**

1. This report advises members of the review of the councils statement of gambling policy, of the consultation undertaken and of the changes made as a result of that consultation and revised guidance. Members are asked to recommend the revised policy to full council for approval.

#### **Background**

2. Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to keep their statements of gambling policy under review and in any event before each successive period of three years. The current policy is due to expire on 31<sup>st</sup> January 2010.
3. When the current policy was drafted in 2006 a template was produced by the Department of Culture, Media and Sport (DCMS) for licensing authorities to use. This template was found to lack cohesion and logic so this council produced its policy in a modified format. The DCMS have now revised their template and producing this draft revision officers have adopted the DCMS standard layout which will allow for successive revisions to be made more easily.
4. Attached at Annex 1 is the revised policy which has been updated following comments received during the consultation .

#### **Consultation**

5. Consultation has been carried out in accordance with the Act and guidance. It commenced on the 16 July 2009 and finished on the 9 October 2009. Details of the consultees are listed at Annex 2 .
6. A table showing the comments received and the action taken by officers is attached at Annex 3.

## **Options**

7. Members have the following options :
  - (a) To support the revised policy as set out in Annex 1
  - (b) To make amendments to the revised policy

## **Analysis**

8. The Act and guidance does not allow local licensing authorities much discretion in the content of their policies. Where such discretion does exist the revised policy replicates those decisions made by members when adopting the first policy on the basis that no problems have been encountered in implementing that policy.

## **Corporate Strategy**

9. The Gambling Act has 3 objectives:
  - (a) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.
  - (b) Ensuring that gambling is conducted in a fair and open way
  - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

These objectives support the Corporate Strategy .

## **Implications**

10. **Financial:** None

**Human Resources (HR):** None

**Equalities:** None

**Legal :** Without the adoption of a new policy this authority would be unable to fulfil its licensing obligations under the Gambling Act 2005

**Crime and Disorder:** None

**Information Technology (IT):** None

**Property:** None

**Other:** None

## **Risk Management**

11. The Council is statutorily required to review its gambling policy. Providing this has been done in accordance with the legislation then there is no risk in members recommending its approval. Should the Council not approve a policy then it will be in breach of statutory requirements and will be unable to fulfil the requirement of the Act.

## **Recommendations**

12. Members are asked to consider any revisions they wish to make to the draft statement of gambling policy, and recommend the policy for approval by full Council on 3<sup>rd</sup> December 2009

Reason: to satisfy the requirements of section 349 of the Gambling Act 2005.

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Report Approved  Date

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**Wards Affected: All**



For further information please contact the author of the report.

### **Background Papers:**

Gambling Act 2005 and supporting guidance to local authorities

Statement of Gambling Policy 2006 - 2010

### **Annexes:**

Annex 1 Draft revision of Gambling Policy

Annex 2 Consultation Process and list of consultees

Annex 3 Table of comments received and action taken