

GAMBLING ACT 2005 – STATEMENT OF GAMBLING POLICY

Submitted by: Democratic Services Manager

Portfolio: Safer Communities

Ward(s) affected: All

Purpose of the Report

To discuss and agree upon the consultation process for the Council's Gambling Policy. Under Section 349 of the Gambling act 2005, the Council has a statutory duty to review its Gambling statement as set out in the Gambling Policy before December 2015.

Recommendations

- 1. That the Consultees for the Gambling Policy be agreed upon.**
- 2. That the Gambling Policy for Newcastle under Lyme be sent out for an 8 week consultation period.**
- 3. That any responses received to the consultation be considered by the Committee at the meeting to be held on 22nd October 2015 and that recommendations of this Committee to be included in the final report to Full Council.**
- 4. That the updated Policy be presented for approval to Full Council at its meeting on Wednesday 29th November 2015.**

Reasons

Under section 349 of the Gambling Act 2005 the Council has a statutory duty to review its Gambling statement set out in the Gambling Policy before December 2015.

1. GAMBLING ACT 2005 – STATEMENT OF GAMBLING POLICY

Background

1.1 Section 2 of the Gambling Act provides that the following are licensing authorities in England:

(i) a district council, (ii) a county council for a county in which there are no district councils, (iii) a London borough council, (iv) the Common Council of the City of London, (v) the Council of the Isles of Scilly.

1.2 Under section 349 of the Gambling Act 2005 the Council has a statutory duty to review its Gambling statement set out in the Gambling Policy before December 2015.

1.3 Section 154 of the Act provides that all decisions relating to premises licences are delegated to the licensing committee of the authority that has been established under section 6 of the Licensing Act 2003, except:

1. A resolution not to issue casino licences, which must be taken by the whole authority;
2. Functions in relation to the Licensing Authority Statement of Policy, which must be

taken by the whole authority;

3. Setting fees (to the extent that a licensing authority has delegated power in relation to fees) is the responsibility of the full council – the full council can delegate decisions to the licensing committee, but there is no automatic delegation, so each authority must decide its approach to setting fees.

1.4 Decisions that are delegated to a licensing committee may be further delegated to a subcommittee of the licensing committee, which may arrange for them to be taken by an officer of the authority. However, the following decisions may not be made by an officer (ie they must be made by either the sub-committee or the licensing committee):

- Determination of an application for a premises licence where representations have been made and not withdrawn
- Determination of an application for variation of a premises licence where representations have been made and not withdrawn
- Determination of an application for transfer, following representations by the Commission
- Determination of an application for a provisional statement where representations have been made and not withdrawn
- Review of a premises licence.

1.5 Licensing authorities in England and Wales also have responsibilities under the Licensing Act 2003. There are some inter dependencies between the Licensing Act 2003 and the Gambling Act 2005 in terms of the framework for decision making and the procedures that must be followed. But licensing authorities must take care to ensure that in dealing with applications under the Gambling Act they follow the procedures that this Act requires and only take into account issues that are relevant to this Act. Particular care should be taken to distinguish Gambling Act considerations from those relevant to alcohol licensing, public entertainment or late night refreshments.

2. Issues

It is suggested that the updated draft policy be sent out for Consultation on Friday 28th August 2015 following discussions at this meeting for a period of 8 weeks ending on Friday 23rd October 2015. Officers will then collate any comments received during the consultation into a report for this committee to consider on 22nd October 2015 prior to submission to Full Council on 25th November 2015.

The legislation specifies certain groups and organisations that must be consulted regarding the revised policy under Section 349 (3) of the Gambling Act 2005:

- The Chief Officer of Police for the authority's area
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more 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 functions under the Gambling Act

The legislation is however deliberately wide to enable Licensing Authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Licensing Authority Statement of Licensing Policy.

Licensing Authorities may wish to consider the following:

- Consultation with a range of organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people

who are problem gamblers, medical practices or primary care trust and advocacy agencies such as the Citizen's Advice Bureau and trade unions.

- Consultation with other tiers of local government where they exist.
- Consultation with businesses that are, or will be, holders of a premises licence
- Consultation with the organisations names as responsible authorities in the Act.

It is intended to advertise the consultation on the Council's website, on the Council's notice board, by writing to all elected members, Parish and Town Councils, LAPS and to the Consultees detailed in the list attached at Appendix B. All current premises licence holders and personal licence holders will also be sent a copy of the correspondence. VAST will also be consulted as they will provide an email distribution to 412 contacts plus we will request that the consultation be placed on the VAST website and e-bulletin.

A list of groups and individuals previously consulted is attached at **Appendix B**. Any further suggestions for potential Consultees are welcomed.

3. **Timetable**

25 th August 2015	Initial discussions at Licensing Committee
28 th August 2015	Gambling Policy send out for consultation
23 rd October 2015	End of Consultation period
22 nd October 2015	Meeting of Licensing Committee to discuss responses to the consultation
25 th November 2015	Meeting of Full Council to agree updated Policy

4. **Legal and Statutory Implications**

Under section 349 of the Gambling Act 2005 the Council has a statutory duty to review its Gambling statement set out in the Gambling Policy before December 2015.

5. **List of Appendices**

Appendix A Updated Draft Gambling Policy for Consultation
Appendix B List of previous Consultees

6. **Background Papers**

Newcastle under Lyme Gambling Policy 2012