

GAMBLING ACT 2005 – STATEMENT OF GAMBLING POLICY

Submitted by: Democratic Services Manager

Portfolio: Safer Communities

Ward(s) affected: All

Purpose of the Report

To consider the representations received in relation to the consultation on the draft Gambling Policy and to agree upon a final version of the draft policy for submission to Full Council on 25th November 2015.

Recommendations

- 1. That the Committee consider the responses received to the consultation exercise.**
- 2. That the updated Policy be presented for approval to Full Council at its meeting on Wednesday 25th 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.

Background

Before determining its policy, the licensing authority must consult 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 Current consultation is still underway and will close on Friday 23rd October 2015.

1. Issues

To date one response has been received from Newcastle under Lyme Civic Society, this response is attached to the report.

The main point appears to be in relation to the differentiation between nuisance and disorder. The Guidance states that:

In the context of gambling premises licences, licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should

take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.

Any responses received after the publication of this agenda will be published immediately.

2. 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.

3. List of Appendices

Appendix A Draft Gambling Policy.

Appendix B Response from Newcastle under Lyme Civic Society.

4. Background Papers

Newcastle under Lyme Gambling Policy 2012