

GAMBLING ACT 2005 – STATEMENT OF GAMBLING POLICY

Submitted by: Democratic Services Manager

Portfolio: Culture and Leisure and 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 2012.

Recommendations

- 1. That the Gambling Policy for Newcastle under Lyme be sent out for a 6 week consultation period.**
- 2. That the Consultees for the Gambling Policy be agreed upon.**
- 3. That the documentation for the consultation be agreed upon.**
- 4. That the Committee consider the existing Policy and provide any initial comments on the content.**
- 5. That an additional meeting of this Committee be held on Thursday 15th November to consider any responses received to the consultation and to allow the recommendations of this Committee to be included in the final report to Full Council.**
- 6. That the updated Policy be presented for approval to Full Council at its meeting on Wednesday 28th November 2012.**

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 2012.

1. GAMBLING ACT 2005 – STATEMENT OF GAMBLING POLICY

Background

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 2012.

In preparing a statement for revision the Council must consult:

- 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

A list of groups and individuals previously consulted is attached at Appendix B.

2. Issues

It is suggested that the current policy be sent out for Consultation on **Friday 5th October** following discussions at this meeting. Due to the fact that the meeting of Full Council has this year been brought forward to November 28th, this will allow us to consult for 6 weeks on the current policy. It is suggested that the consultation period will end on **15th November** thus allowing us to incorporate any comments received in the final report to Full Council.

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 named as responsible authorities in the Act.

It is intended to advertise the consultation on the Council's website, at local libraries, on the Council's notice board, by writing to all elected members and to the Consultees detailed in the list attached at Appendix B. Any further suggestions for potential Consultees are welcomed.

3. Timetable

4 th October 2012	Initial discussions at Licensing Committee
5 th October 2012	Gambling Policy sent out for consultation
15 th November 2012	End of Consultation period
15 th November 2012	Additional Meeting of Licensing Committee to discuss responses to the consultation
16 th November 2012	Agenda sent out for Full Council
28 th November 2012	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 2012.

5. List of Appendices

Appendix A Current Gambling Policy
Appendix B List of previous Consultees
Appendix C Draft Statement of Gambling Policy Consultation Questionnaire
Appendix D Draft Consultation Notices and letters.

6. Background Papers

Newcastle under Lyme Gambling Policy 2009