

## **Gambling Act 2005 – Review of Statement of Licensing Principles (Gambling Policy)**

**Submitted by:** Head of Environmental Health/Licensing Administration Team Manager

**Portfolio:** Finance & Resources

**Wards 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 21<sup>st</sup> November 2018.

### **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 21<sup>st</sup> November 2018.

### **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 every 3 years.

## **1. Background**

- 1.1 At the meeting held on 31<sup>st</sup> July 2018 the Committee determined to approve a 10 week consultation period for the Council's draft Gambling Policy. At the meeting Members requested that printed copies of the draft document should be made available at the Council Offices.
- 1.2 The Council have consulted with:
- The Gambling Commission;
  - Staffordshire Police;
  - Staffordshire County Council;
  - Neighbouring Local Authorities;
  - Representatives of local businesses ;
  - Local residents and their representatives;
  - Town and Parish Councils in the Borough;
  - Local Members of Parliament;
  - National bodies representing the gambling trade;
  - National charities concerned with the social impact of gambling;
  - Representatives of existing licence holders;
  - Newcastle Partnership;
  - Department of Regeneration and Planning Services, Newcastle Borough Council;
  - Staffordshire County Council Trading Standards;
  - Aspire Housing; and
  - Members of the Public (via the website and printed copies at Council Offices)
- 1.3 The consultation period ended on 12<sup>th</sup> October 2018 and the Council received four responses which are attached at **Appendix A**. The responses are from:
- The Local Compliance Manager for the Gambling Commission;

- The Head of Marketing and Communications at GamCare;
  - The Clerk from Chapel and Hill Chorlton Parish Council; and
  - The Clerk from Madeley Parish Council
- 1.4 The Compliance Manager at the Gambling Commission questioned the relevance of paragraph 19.3 in the draft, and asked that the Local Risk Assessment (LRA) for the Premises to be kept at the licensed premises. Paragraph 19.3 is obsolete and has been removed following his comments. The requirement for the PRA to be kept on site is in the draft at para 4.4 which he had missed.
- 1.5 The Head of Marketing and Communications at GamCare has submitted a general response that details the key factors of concern for the charity that relate primarily to the Council's LRA and what should be considered by operators when completing it.
- 1.6 The Clerk for Chapel and Hill Chorlton Parish Council responded to say that the draft had been discussed at a recent meeting and did not have any comments to make.
- 1.7 The Clerk for Madeley Parish Council responded to say that the draft had been discussed at a recent meeting and supported it.
- 1.8 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 every 3 years. It must be published by the 3<sup>rd</sup> January 2019 and in force by 31<sup>st</sup> January to ensure there is a 28 day period between publication and implementation. A copy of the proposed Policy following consultation is attached as **Appendix B**.

## **2. Issues**

- 2.1 It is suggested that the updated draft policy be sent to Full Council on 21<sup>st</sup> November 2018 for approval, and subsequent implementation in January 2019 in line with the timetable at 3.2 of the report.
- 2.2 A list of the amendments following consultation are detailed below:
- Paragraph 19.3 has been removed following a response from the Gambling Commission;
  - The dates of the consultation period have been included in paragraph 1.4; and
  - The proposed date for approval by Full Council has been included at paragraph 1.6.

## **3. Options Considered**

- 3.1 The Council have a statutory duty to consult on, publish and implement a Gambling Policy every 3 years as required by the Gambling Act 2005. It is requested that Members agree that the Policy detailed in Appendix B may be sent to Full Council for approval, and subsequent implementation, in line with the table below:

### **3.2 Timetable**

23 <sup>rd</sup> October 2018	Meeting of Licensing Committee to discuss responses to the consultation and amend Policy as required. Approval is given to send to Full Council for agreement
21 <sup>st</sup> November 2018	Proposed Policy to be considered by Full Council
December 2018 (or in any case before 3 <sup>rd</sup> )	Publish the Policy

January 2019)	
January 2019 (before 31 <sup>st</sup> )	Implement the new Policy

**4. Recommendation**

- 4.1 To receive the report
- 4.2 To approve the draft Gambling Policy for Newcastle-under-Lyme.
- 4.3 That the updated Policy be presented for approval to Full Council at its meeting on 21st November 2018 in order that the Policy is published prior to 3<sup>rd</sup> January 2019.

**5. Decision Required**

- 5.1. The Council have a statutory duty consult on, publish and implement a Gambling Policy every 3 years as required by the Gambling Act 2005.

**6. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 6.1 The contents of this report relate to the following corporate priorities:
  - Growing our people and places.
  - A healthy, active and safe borough.
  - A town centre for all.

**7. Legal and Statutory Implications**

- 7.1 The Council have a statutory duty consult on, publish and implement a Gambling Policy every 3 years as required by the Gambling Act 2005.

**8. Earlier Cabinet/Committee Resolutions**

- 8.1. No Casino Resolution in 2007.
- 8.2. To implement a Gambling Policy in 2016, 2013, 2010, 2007

**9. Background Papers**

- 9.1 The Council Gambling Policy 2016-2018