

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

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

**Portfolio:** Finance & Efficiency

**Wards Affected:** All

### **Purpose of the Report**

To consider the Council's Gambling Policy.

### **Recommendations**

**That the Gambling Policy 2019-21 be approved.**

### **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 Under section 349 of the Gambling Act 2005 ("the Gambling Act") 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 3<sup>rd</sup> January and in force by 31<sup>st</sup> January to ensure there is a 28 day period between publication and implementation.
- 1.2 The Council last published its Gambling Policy in January 2016 and it remains in place until January 2019.
- 1.3 Section 154 of the Gambling Act provides that certain decisions are delegated to the licensing committee of the authority that has been established under section 6 of the Licensing Act 2003, except:
  - A resolution not to issue casino licences, which must be taken by the whole authority. The Council have made a resolution that there will be no casinos in the authority's administrative area;
  - Functions in relation to the Licensing Authority Statement of Policy, which must be taken by the whole authority. Once this policy is approved by the Licensing Committee it must be agreed by Full Council;
  - 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 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 piece of legislation. Particular care should be taken to distinguish Gambling Act considerations from those relevant to alcohol licensing, public entertainment or late night refreshment.

## **2. Issues**

2.1 A number of amendments have been made to the Policy implemented in 2016. The main amendments are summarised below:

- The appendix relating to Gaming Machines, their stakes and prizes and location has been removed. This is under advice from the Gambling Commission as the information is subject to change and if it did so then a review of the Council Policy would be required;
- The local area profile section of the Policy (section 5) has been reduced. The Gambling Commission have advised that if a Council wishes to create a Local Area Profile it is best doing so as a separate 'live' document so it can be updated without the need to review the Policy and can readily address a change in circumstances of a particular area;
- The local risk assessments section of the Policy (section 4) has been improved to set down specific considerations that premises licence holders/applicants must include in their premises risk assessments. These risk assessments must be readily available at each premises for officers to inspect;
- A section on data protection (section 10) has been included to set out the Council position in respect of how we will process the data that we hold;
- Paragraph 19.3 is obsolete and 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.

2.3 The legislation specifies certain groups and organisations that must be consulted regarding the revised policy under Section 349 (3) of the Gambling Act 2005. Licensing & Public Protection committee at its meeting on 31<sup>st</sup> July 2018 reviewed the policy and agreed a 10-week consultation.

2.4 The consultation period ended on 12<sup>th</sup> October 2018 and the Council received four responses. Licensing & Public Protection Committee at the meeting of 23<sup>rd</sup> October reviewed the consultations and resolved to recommend to Council the approval of the Policy.

2.5 A copy of the proposed Policy following consultation is attached as **Appendix A**.

## **3. Recommendation**

3.1 To approve the Gambling Policy for Newcastle-under-Lyme.

## **4. Decision Required**

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

## **5. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

5.1 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.

**6. Legal and Statutory Implications**

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

**7. Financial and Resource Implications**

- 7.1 There are no financial implications for the Council relating to the revision and publication of a Gambling Policy.
- 7.2 The resources for developing the policy and its implementation have been met from existing resources.

**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. Appendices**

- 9.1 Draft Council Gambling Policy 2019-21.

**10. Background Papers**

- 10.1 The Council Gambling Policy 2016-2018.