

Chair:
Councillor Clare Kober

Deputy Chair:
Councillor Lorna Reith

INTRODUCTION

- 1.1 The Council has reserved to itself the exercise of certain functions including the approval of the Statement of Gambling Policy. The full list of functions of the full Council is specified in Part 2 Article 4 of the Constitution – The Full Council.
- 1.2 The Council prepared a Statement of Gambling Policy for the exercise of its functions under the Gambling Act 2005 which was published in December 2006. The Council is required to update this policy document every three years.
- 1.3 This report covers the Statement of Gambling Policy which we considered at our meeting on 17 November 2009.

ITEM FOR DECISION

Enforcement and Safer Communities

2. REVISION OF STATEMENT OF GAMBLING POLICY

- 2.1 The Council will be aware that the Gambling Act 2005 brought in major reforms to the structure of the law on gambling in this country. It brought considerable responsibilities for local authorities in their role as the appropriate 'Licensing Authorities'. Every Licensing Authority had to produce a policy statement in respect of gambling in their area which had to be reviewed at least every three years. The Council prepared a statement which was published in December 2006.
- 2.2 The Act contains three licensing objectives which underpin the functions that both the Gambling Commission and Licensing Authorities will perform. These are:
 - Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority's revised Statement of Gambling Policy must show how these licensing objectives will be achieved and must have regard to the guidance published by the Commission in June 2008.

- 2.3 The Licensing Authority will continue to administer the following functions under the Act :
 - Licence premises.
 - Consider notices for temporary uses of premises for gambling.
 - Grant permits for gaming and gaming machines in clubs (and similar).

- Regulate gaming and gaming machines in alcohol licensed premises.
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines.
- Grant permits for prize gaming.
- Consider occasional use notices for betting at tracks.
- Register small societies' lotteries.

2.4 The Act 2005 also required the Licensing Authority to consult the following on the licensing policy statement or any subsequent revision:

- In England & Wales, the chief officer of police for the authority's area.
- Persons carrying on gambling businesses in the authority.
- 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 Act.

2.5 We considered a report which advised us that consultation in respect of the policy had included those organisations and bodies who had responsibilities to protect the young, the elderly, and those other vulnerable groups within our community. This also included faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, Primary Care Trusts and advocacy organisations such as the Citizen's Advice Bureau and trade unions. In addition, the draft statement was placed on the Council's website together with supporting explanation and guidance.

2.6 The consultation indicated that there was concern regarding the size and opening hours of gambling premises. Officers had been able to add to the revised policy to clarify that opening hours could take account of their likely impact on vulnerable people and the prevention of gambling being associated with crime and disorder. Consultation feedback suggested there should be a general disposition to refuse applications where an applicant could not demonstrate social and economic benefits to the community. The present Government guidance was that in general terms Licensing Authorities should 'aim to permit' where the three licensing objectives are met.

2.7 The report detailed the responses received during the consultation process for the first review of the policy. We noted that where the suggestions both supported and improved the draft policy and were not contradictory to the Gambling Act 2005 or associated Government guidance it had been incorporated into the revised draft policy.

2.8 Having considered the consultation responses and the analysis of them -

WE RECOMMEND

That the revised Statement of Gambling Policy as set out in Appendix A be approved.
(Revisions are shown in underlined text).