

Report to Cabinet

Subject: Gedling Gambling Statement of Policy

Date: 28 June 2018

Author: Director of Health and Community Wellbeing

Wards Affected

All wards

Purpose

To inform Members of the requirements of the Gambling Act 2005 in relation to the review of the Authority's Gambling Statement of Policy and to seek approval to consult on proposed amendments to the existing policy.

Key Decision

This is not a key decision.

Background

1.1 The Gambling Act 2005 ('the Act') requires Licensing Authorities to prepare and publish at least every three years a statement of policy that they propose to apply when exercising their gambling functions. The first Gambling Statement of Policy was produced in 2007 and the existing Gambling Statement of Policy for this Authority is due for review by the end of 2018 with a view to publishing a statement of policy in January 2019.

There are three licensing objectives under the Act. Keeping crime out of gambling, ensuring it is fair and open and protecting children and other vulnerable people from being harmed by gambling.

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements

and adjust their own policies and procedures as required. It also reduces the risk of matters being escalated to a licensing committee.

- 1.2 Within Nottinghamshire all the eight local authorities, having responsibilities under the Act, have worked closely together through the Nottinghamshire Authorities Licensing Group (NALG) to produce a common basis for their gambling statements of policy to be developed from. NALG comprises officers with legal, environmental health and licensing backgrounds. In amending the existing gambling policy document regard has been had to the guidance from the Gambling Commission and any relevant changes to the Act. In Nottinghamshire each licensing authority has then taken the common document for customisation to reflect local issues prior to embarking on a period of consultation as required by the legislation.
- 1.3 The legal nature of the document reflects the future function of the policy as the basis for determining applications made under the Act, which are subject to legal appeal to the Magistrates' Court.
- 1.4 Under the Act Licensing Authorities are required to carry out a consultation on their policy statements with:
 - The Chief of Police for the licensing 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 this Act.

As part of the consultation process the draft policy will be published on the Council's website and letters will be sent to the above individuals, groups and organisations stating where the draft policy can be accessed on the website. The consultation will be carried out for ten weeks.

- 1.5 Following on from any consultation, the proposed Statement of Gambling Policy, along with the results of the consultation, will be brought back to Cabinet for proposals to be recommended to Full Council.

Proposal

- 2.1 Licensing authorities must have finalised their draft statement of policy for consultation purposes; carried out eight to ten weeks of the consultation as advocated by central Government best practice; have undertaken the necessary changes to the document arising from the consultation and

informed Members of the final licensing policy statement for endorsement by full Council and advertised the statement of policy prior to it coming into effect in January 2019.

- 2.2 At Appendix 1 is a copy of the existing Gedling Gambling Statement of Policy and at Appendix 2 are the proposed changes. Any significant changes for the existing policy reflect changes to the legislation and guidance.
- 2.3 It is proposed that members approve the proposed changes to the Authority's Gambling Statement of Policy to go out to consultation for a period of ten weeks as detailed in the report and in accordance with the Act.

Alternative Options

- 3.1 The Authority are required by the Act to review the Gambling Statement of Policy every 3 years, the Authority are also required to consult on any changes to the policy statement. An alternative option would be not to authorise the changes to go out to consultation, which would be contrary to the Act and best practice, or to suggest alternative amendments to the policy to go out to consultation. The proposed changes however, have been made following extensive work with NALG and are deemed appropriate.

Financial Implications

- 4.1 There are no financial implications.

Appendices

- 5.1 Appendix 1 – Current Gedling Gambling Statement of Policy
- 5.2 Appendix 2 – Proposed changes the Gedling Gambling Statement of Policy

Background Papers

There are no background papers.

Recommendation:

That Cabinet:

Approve the proposed changes to the Council's Gambling Statement of Policy to go out to consultation for a period of ten weeks in accordance with the Gambling Act and as detailed in this report.

Reasons for Recommendations

The production and external consultation of the draft amended Gedling Gambling Statement Policy will ensure that this Authority complies with the requirements of the Gambling Act 2005 concerning policy consultation and national licensing guidance.