

Report to Cabinet

Subject: Gedling Gambling Statement of Policy

Date: 13 December 2018

Author: Director of Community Health and Wellbeing

Wards Affected

All wards

Purpose

To inform Members of the responses to the consultation on the Authority's Gambling Statement of Policy and to seek Cabinet support for Council to approve the amended version of the Gambling Statement of Policy which takes into account the consultation responses.

Key Decision

This is a key decision.

Recommendation:

That Cabinet:

- **Notes the responses to the consultation on the amendments to the Gedling Gambling Statement of Policy**
- **Approve the amended Gedling Gambling Statement of Policy at Appendix 1 (which includes the amendments approved for consultation on 21st September 2018 and amendments following the consultation) to be submitted to Council for approval.**

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. However this policy can be reviewed at any time if there are any legislative or other significant changes during that time period.

At the Cabinet meeting on 28 June 2018 Members considered a report informing them of the requirements of the Gambling Act 2005 in relation to the review of the Authority's Gambling Statement of Policy and proposed amendments to the existing policy. The proposed amendments were suggested by officers after meetings with colleagues across the County who are all members of the Nottinghamshire Authority's Licensing Group (NALG). The Authorities across Nottinghamshire work together in this way to ensure that policies across the County are as consistent as possible.

At the meeting Members resolved to:

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.

The consultation period ended on 21 September 2018.

- 1.2 The Authority has received one response to the consultation and this was from Gosschalks Solicitors on behalf of the Association of British Bookmakers. They commented and made suggested amendments to both the proposed amendments to the Gedling Gambling Statement and the existing Statement and the suggested amendments are summarised as follows:

1. *To redraft the paragraph on page 9 relating to local risk assessment and in particular the paragraph relating to problem gambling. To state that successive prevalence surveys and health surveys have indicated that problem gambling rates are around 0.6% of the population and are possibly falling. That the figures stated are national figures and that there is no evidence of problem gambling in Gedling. To make it clear that each application will be considered on its merits.*
2. *To redraft paragraph 1.3 in the existing Statement of Principles to state the principles that are to be applied by the Licensing Authority when exercising its functions and not to address the impact of licensed premises.*
3. *To redraft the final two paragraphs of paragraph 5.1 to amend the*

reference to 'primary use' to 'appropriate gambling environment' as the phrase 'primary use' is no longer used by the Gambling Commission.

4. *At paragraph 5.2 to make it clear that the mandatory and default conditions are usually sufficient and that additional conditions will only be considered where there is a clear need for them.*

After consideration of the above, and a review of the Gambling Commission's guidance, officers would recommend the following:

With reference to point:

1. It is not felt necessary to amend this paragraph. The information is provided as a general national estimate of the problem with gambling and states that there are no local estimates available and therefore it is not known if gambling is a problem in Gedling.
2. To amend paragraph 1.3 to include the phrase *'to state the principles that are to be applied by the Licensing Authority when exercising its functions'* in addition to the existing wording.
3. That the reference to primary use be removed from the policy and that the second paragraph of point 5.1 in the policy be removed and replaced with the following:

'In relation to an application to split existing licensed premises thereby creating multiple premises, each gambling activity in each premises should be linked to the premises described. For example, in a bingo premises, the gambling activity should be bingo with gaming machines as an ancillary offer on the premises. the Act does not permit premises to be licensed for more than one gambling activity, subject to the gaming machine entitlements which various types of licence bring with them except in the case of track'.

4. This is part of the gambling licensing process and is therefore not necessary to include it in the policy and paragraph 5.2 already makes it clear that any conditions would be appropriate to each application.

Proposal

- That Member's note the consultation response and proposed changes to the policy following consultation.
- That Members approve the draft policy at Appendix 1 which includes the amendments approved for consultation on 21 September 2018 and the additional changes outlined above and that this be submitted to Council for approval.

Alternative Options

- 3.1 Members could resolve not to approve the further amendment to the policy following the consultation, however, the policy could be misleading in the use of the term 'primary use'. Members could also suggest alternative amendments to the policy, however the amendments made both prior to and post consultation have been proposed following discussion with Licensing Authorities across the County and following research by the Licensing Officer. Only one consultation response was received by the Council and that response has been fully considered and reflected, where appropriate in the proposed policy at Appendix 1.

To not support the amended policy being referred to Council for approval. However, it is a statutory requirement that the Policy be published every three years.

Financial Implications

- 4.1 There are no financial implications.

Appendices

- 5.1 Appendix 1 – The Gedling Gambling Statement of Policy including the proposed changes outlined in the report.

Background Papers

There are no background papers.

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.