

# Licensing Acts Committee report



**26 November 2009**

Report of **Head of Legal and Democratic Services**

Report No. 74/09

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## **Gambling Act 2005 - Revised Statement of Policy**

### ***Recommendations***

That the committee:

- 1) considers the responses to the consultation and decides whether to make any changes to the revised Statement of Policy*
- 2) authorises the Head of Legal and Democratic Services to update the statement of policy for submission to Council, reflecting the committee's decisions*
- 3) recommends Council A) to adopt the Gambling Act 2005 Policy Statement of Policy as submitted to Council with effect from 31 January 2010 and B) to authorise the Head of Legal and Democratic Services to make any minor changes necessary*

### **1. Purpose of Report**

1.1 To inform the committee of any feedback received during the consultation period on the draft Statement of Policy, to ask it to consider any changes that may be necessary and to ask the committee to recommend adoption of the revised Statement of Policy to council.

### **2. Relationship with Corporate Plan**

2.1 The revised Statement of Policy would satisfy our Corporate Priority of 'Supporting a vibrant local economy' in particular by:

- a) working in partnership to sustain vibrant market towns and
- b) supporting rural businesses and communities

2.2 The revised Statement of Policy also supports the Corporate Priority of 'Helping to maintain a safe Vale' by:

- a) helping to maintain, or further reduce low levels of crime and anti-social behaviour and
- b) by reducing the fear of crime and anti-social behaviour

### **3. Background**

3.1 The Gambling Act received Royal Assent on 7 April 2005. The Act replaced most of the existing law relating to gambling in England and Wales and put in place a new structure of gambling regulation. It created a new independent regulatory body, the Gambling Commission, and gave local authorities responsibility for licensing gambling premises in their area.

3.2 Under the Gambling Act 2005 every licensing authority has to publish a Gambling Policy (Statement of Policy) which sets out the principles that it proposes to apply in exercising its functions under the act and this must be reviewed every three years.

3.3 A 12 week consultation period took place between 18 August and 10 November 2009. The revised draft Statement of Policy and information about the consultation period was published on the Council's website. All Responsible Authorities identified under the Gambling Act, councillors, parish councils, voluntary and community organisations working with children and young people, advocacy organisations e.g. Citizen's Advice Bureau and businesses that are holders of a premises licence were also consulted.

3.4 The council currently licences 11 Betting premises and one Adult Gaming Centre and is responsible for issuing permits and notifications of fruit machines in licensed premises. The authority has received no complaints from members of the public or relevant authorities regarding these premises. There have not been any significant changes in the Gambling Act 2005 and as such the revised Statement of Policy.

3.5 A response was received from Marcham Parish Council stating they had no comment to make, other than to note that it was pleased that there was currently a "no casino" resolution passed by the Vale Council. The revised Statement of Policy proposes no change to this. No other responses were received during the consultation process

3.6 A Schedule of Proposed Amendments is attached as **Appendix 1**, setting out the main proposed amendments and giving an explanation and reasons for them. The revised policy is attached as **Appendix 2**.

3.7 It is proposed that the new Statement of Policy shall be published on 10 December 2009 and come into effect on 31 January 2010.

### **4. Options**

4.1 Where no comments have been received, the committee is asked to approve the proposed amendments that are outlined in **Appendix 1**.

4.2 Subject to legal requirements, the committee may choose to make recommendations on specific sections of the Statement of Policy, as they see fit.

### **5. Financial, legal and any other implications**

5.1 The cost of administering the revised Statement of Policy once it has been adopted will be met from licensing fees and charges which are reviewed annually to ensure the service continues to be provided at no cost to the authority.

5.2 Section 349 of the Gambling Act 2005 requires a licensing authority to prepare before each successive three year period commencing on 31 January 2007, a Statement of Policy that they propose to apply in exercising their functions under the act during that period. The council adopted a Statement of Policy on 13 December 2006. The act requires full council to approve the Statement of Policy.

## **6. Conclusion**

6.1 The committee is requested to consider the revised Statement of Policy and officers' comments and recommendations and to recommend council to adopt the revised Statement of Policy with effect from 31 January 2010.

Background Papers:

- Gambling Commission Guidance to Licensing Authorities – 3<sup>rd</sup> Edition (May 2009)
- Vale of White Horse District Council Gambling Act 2005 Statement of Policy– December 2006