Cabinet Report

Report of Head of Legal and Democratic Services

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Wards affected: All

To: Cabinet

DATE: 4 October 2013

Joint Gambling Policy

Recommendations

The Cabinet is recommended to consider the recommendation of the Licensing Acts Committee and to recommend Council to:

(i) adopt the proposed Joint Gambling Policy

(ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Gambling Policy.

(iii) authorise the Head of Legal and Democratic Services to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

Purpose of Report

1. To consider the recommendation of the Licensing Acts Committee on the Joint Gambling Policy following the statutory consultation.

Strategic Objectives

2. The Joint Gambling Policy will further the council's role in improving public safety and promoting the economy in both district council areas. A joint policy will also promote economic development through consistent standards. In addition, it will improve the efficiency of the licensing teams by clarifying the alignment of processes and procedures.

Background

3. The Vale of White Horse District Council's current Gambling Policy came into effect from 31 January 2010. The policy is subject to statutory review every three years. The current review has been delayed due to awaiting guidance from the Gambling Commission. South Oxfordshire District Council's current Gambling Policy came into effect from 31 January 2010. As both the policies are due for renewal the decision was taken by portfolio holders and chairmen from both councils to harmonise the two policies into a joint policy.

Proposed policy

4. The amended joint policy has no significant changes to the current Vale policy.

5. The only difference between the two council's current policies is the 'no casinos' clause in the Vale area.

Consultation results

6. The consultation lasted six weeks from 21 June until 2 August 2013. It was a public consultation and went out to all councillors, parish councils and Responsible Authorities as defined under the Gambling Act 2005.

7. There were nine responses to the consultation. The data is shown in the supporting papers entitled 'Supplementary Data' in appendix one to this report.

8. There were no clear trends in the data. Most respondents were in favour of, or neutral about, the overall policy. Five of the nine respondents were opposed to the removal of the 'no casino' clause in the Vale area.

Licensing Acts Committee recommendation

9. The Vale Licensing Acts Committee, at its meeting 17 September 2013, voted to recommend to Council to retain the 'no casino' clause under Section 166 (1) of the Gambling Act 2005. Subject to this change in the policy it voted to recommend the amended Joint Gambling Policy to the Cabinet for recommendation to the Council.

10. The South Licensing Acts Committee on 19 September 2013 considered the consultation responses and the Joint Gambling Policy as amended by the Vale committee. The South Licensing Acts Committee voted to recommend the amended Joint Gambling Policy to the Cabinet for recommendation to the Council.

11. There were some minor wording changes to the policy as a result of observations by the committee but the main difference between the consultation version of the Joint Gambling Policy and the amended version is the change in section 4.9.3 to reflect the difference in approach over the consideration of applications for licensed casino premises. The amended policy is shown in Appendix 2.

Gambling policy adoption process

12. The Gambling Act 2005 is prescriptive about how different democratic structures should adopt different elements of the legislation. For the adoption of the Gambling Policy the process is:

- Licensing Acts Committee recommend to Cabinet that recommends to full Council

13. Cabinet must not make any recommendation or opinion to Council regarding the adoption of a 'no casino' clause under section 166 (1) of the Gambling Act 2005. For the adoption of a 'no casino' clause the process is:

    - Licensing Acts Committee recommend to Council

Implementation

14. Once the Council has adopted a new Gambling Policy it must publish a notice of intention to adopt the new policy four weeks before the new policy comes into force. The policy will be due for renewal on 1 February 2016.

Financial Implications

15. There are no financial implications arising from the adoption proposed policy.

Legal Implications

16. The joint policy has been drafted to reflect current legislative requirements. All applications for licences and permits under the Gambling Act 2005 have to be made and determined in accordance with the council's gambling policy.

Risks

17. Failure to reflect the requirements of the Gambling Act 2005 and associated regulations could result in the councils not complying with the legislation. Having a clear policy helps to ensure that licensing decisions comply with the legislation and are made fairly and consistently.

Conclusion

18. The Cabinet is recommended to consider the recommendation of the Licensing Acts Committee and to recommend Council to:

    (i) adopt the proposed Joint Gambling Policy

    (ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Gambling Policy.

    (iii) authorise the Head of Legal and Democratic Services to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

Background Papers

None

APPENDIX 1

Cabinet Report: Joint Gambling Policy

(Supplementary data)

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Wards affected: All

Verbatim comments

Comments - If you have any comments about changes to the policy on casinos please write in below	
Resident (?)	No comment to make
Resident (?)	No comment to make
Sutton Courtenay PC	Sutton Courtenay Parish Council had no comments to make
Marcham PC	Marcham Parish Council is extremely sadden to think that the District Council is considering a change to its policy not to permit casinos in the area
Resident (Vale)	The Vale needs to demonstrate (through local referendum) that the community wishes to have a casino. I doubt anyone is asking specifically for a casino so why change now. Whilst there maybe an economic and employment value, I doubt it is significant and I think we be differentiating between the types of jobs we want to attract. Casino employment would not be top of my list
North Hinksey PC	The Parish Council encourages the VWHDC to maintain a ˜No Casino" policy
Wokingham BC	No comment to make
Reading BC	No comment to make
Thame Town Council Environment Group	No comment to make

Additional comments - If you have any other comments or suggestions about the draft Gambling Policy please write in below	
Resident (?)	The Districts need to include a policy to overcome the issue of Betting Premises opening multiple shops in close proximity in order to overcome the limit of 4 gaming machines of category B (B2, B3 or B4). Our town high streets do not need multiple betting shops.
Resident (?)	Personally I think there should be a limit to the number of adult gaming premises and betting shops permitted in a geographical area. Frankly there are too many betting shops and gambling establishments in town centres. It openly encourages gambling which can have very negative effect on the local community.
Marcham PC	No comment to make
North Hinksey PC	No comment to make
Resident (Vale)	Not had time to completely review the policy - it is too long. Have you not got a summary document?
Sutton Courtenay PC	No comment to make
Wokingham BC	No comment to make
Reading BC	No comment to make
Thame Town Council Environment Group	After examination of the Joint Statement of Licensing Policy (South Oxfordshire District Council and Vale of White Horse District Council) the Committee endorsed the draft policy document and fully concurred with its purpose. The policy was sufficiently drawn to cover all aspects as contained in the Gambling Act 2005 and was proportionate, sensible and understandable. RESOLVED: That the recommendation to South Oxfordshire District Council be that the Joint Statement of Licensing Policy be adopted without amendment.

Organisation Details	District	Responding as:	Agreement with overall policy	No Casino clause
	Both	Resident	Tend to disagree	The Vale should keep its current policy
	Both	Resident	Tend to agree	The Vale should keep its current policy
	Vale of White Horse	Resident	Neither agree nor disagree	The Vale should keep its current policy
Sutton Courtenay PC	Vale of White Horse	Parish	Neither agree nor disagree	Don't know
Marcham PC	Vale of White Horse	Parish	Strongly disagree	The Vale should keep its current policy
North Hinksey PC	Vale of White Horse	Parish	Tend to agree	The Vale should keep its current policy
Wokingham BC	Both	A Responsible Authority	Neither agree nor disagree	Don't know
Reading BC	Both	A Responsible Authority	Neither agree nor disagree	Don't know
Thame TC Environ. Group	Both	A Responsible Authority	Strongly agree	Don't know