

REPORT OF THE ASSISTANT DIRECTOR (ENVIRONMENTAL HEALTH)
TO THE LICENSING COMMITTEE

Gambling Act 2005 – Draft Statement of Gambling Policy

1.0 Introduction and Report Summary

- 1.1 The Gambling Bill was introduced into Parliament on 18th October 2004. Following consideration by the House of Commons and the House of Lords, it received Royal Assent on 7th April 2005, and became the Gambling Act 2005.
- 1.2 The Gambling Act 2005 will modernise gambling legislation, which is currently regulated by the Gaming Board, local magistrates and local authorities. The existing three Acts, the Betting, Gaming and Lotteries Act 1963; the Gaming Act 1968; and the Lotteries and Amusements Act 1976 will be consolidated into a single Act. These will all be repealed in September 2007. Further information can be found in Appendix A
- 1.3 The purpose of this report is to advise Members of the scope of the Gambling Act. It also sets out a programme to develop a draft statement of policy, to consult upon its contents and to publish a final statement in line with legal requirements.
- 1.3 The contact officer for this report is Nicola Dearling, Principal Licensing Officer, telephone (01235 540304).

2.0 Recommendations

Members are requested

- (a) *to note the scope and likely implications of the Gambling Act 2005 and the proposals for drafting, consultation and finalisation.*
- (b) *to consider the draft Statement of Gambling Policy and make recommendations to Council as appropriate.*
- (c) *to consider the results of the consultation in due course and make further recommendations to Council for the final Statement.*

3.0 Relationship with the Council's Vision, Strategies and Policies

This report supports the Council's overall aim of seeking the economic, environmental and social sustainability of the Vale, protecting and enhancing the vitality of our towns and villages. In particular this report helps to create a cleaner, greener, safer and healthier environment

4.0 Background Information

- 4.1 The Gambling Act 2005 will modernise gambling legislation, which is currently regulated by the Gaming Board, local magistrates and local authorities. The existing three Acts, the Betting, Gaming and Lotteries Act 1963; the Gaming Act 1968; and the Lotteries and Amusements Act 1976 will be consolidated into a single Act. These will all be repealed in September 2007.
- 4.2 As part of the changeover, the Council is required to prepare and publish a "Statement of Gambling Policy" every three years. This policy statement details how the Council will carry out its function as a licensing authority under the terms of the Act with a view to promoting the following three licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or 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.
- 4.3 The Statement of Gambling Policy must be published before the Council can carry out any function in respect of individual applications made under the authority of the Gambling Act 2005.
- Current expectations from the Gambling Commission are that, the new Act will be brought fully into effect on 1 September 2007. They will invite applications for Operating licences from 1 January 2007 and licensing authorities will begin to accept applications for Premises licences from 31st January 2007. We therefore must have our Statement of Gambling Policy in place by December 2006.

5 Consultation Programme

- 5.1 Before determining policy for any three-year period, licensing authorities are required to consult the Police, one or more persons who appear to the authority to represent the interests of persons carrying out gambling businesses in the authority's area; and 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 functions under the Act. The Draft Statement of Gambling Policy, which has been produced in compliance with DCMS regulations, Gambling Commission and LACORS guidance is attached to this report as (Appendix B.) The policy has been produced by the Oxford Licensing Group, which has resulted in a generic policy across Oxfordshire, with slight amendments to cover local needs.
- 5.2 The statutory guidance was released on 28th April 2006, giving local authorities approximately 32 weeks to draft a policy, carry out a wide consultation, obtain final full Council approval and publish the policy. Consequently, the timescale for obtaining final approval is tight, bearing in mind the length of time required to carry out the consultation process, review comments and the availability of Council meeting dates.
- 5.3 The Gambling Commission has issued guidance on the consultation process recommending a 12 week consultation period, and local authorities are encouraged to follow it. It is intended to carry out the consultation process over approximately the maximum time period available in order to complete the process and obtain approval of the full Council by the end of this calendar year.
- 5.4 The planned public consultation exercise, which will run from the 4th August to the 27th October 2006, will include the following elements:
- Area consultation meetings involving presentations, displays and question times, utilizing Area Forums wherever possible
 - Mail shots to local gambling businesses and key partners
 - Mail shots to residents groups and trade organizations
 - Mail shots to organisations including faith groups, voluntary groups working with children and young people, groups working with problem gamblers, medical practices, primary care trusts, advocacy groups such as the CRB and Trade Unions

- Mail shots to Responsible Authorities under the Act
 - Mail shots to Town & Parish Councils
 - Access to the consultation through the Council Web Site
- 5.5 At the end of the consultation period, the final Policy Statement will be submitted for consideration at a further Licensing Committee and then onto Full Council on 13th December 2006

7 Financial & Resources Implications

- 7.1 It is for Members to decide the full extent of the consultation it is to carry out. The Secretary of State advises that licensing authorities should have regard to cost and time. The program set out in section 5 is considered to be feasible within existing resources.
- 7.2 Government guidance indicates that fee levels (yet to be released to licensing authorities) will provide full cost recovery of all licensing functions including the preparation and publication of a Statement of Gambling Policy. Where authorities exceed these requirements, they will have to absorb those costs.
- 7.3 Financial implications of the Act relate to staff resources for administration, enforcement, consultation and community engagement.
- 7.4 As the Government has not released the fee levels, it is not possible to assess fully the financial burden on the licensing budget.
- 7.5 The net cost in 2006/07 will be managed as far as possible within the overall licensing budget.
- 7.6 The budgetary position will be kept under review and a report will be presented to Executive as the information becomes clearer.
- 7.6 The new licensing duties will be carried out by the Licensing Team located in Environmental Health. We do not expect the workload to be as extensive on resources, unlike the Licensing Act 2003. The extra duties will be consumed into the day to day workload of the unit.

8 Legal Implications

- 8.1 The Council cannot undertake its role as a licensing authority until it has approved and published its Statement of Gambling Policy. The policy must be reviewed every three years. However, it can be reviewed more often if appropriate.
- 8.2 The licensing function is to be carried out by the Council's Licensing Committee, however the policy must be approved by Council.

David Stevens
ASSISTANT DIRECTOR (ENVIRONMENTAL HEALTH)