

## **CONSIDERATION OF DRAFT REVIEW OF GAMBLING ACT 2005 POLICY**

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**Wards Affected:** All

### ***PROPOSED DECISION***

That the draft review of the Gambling Act 2005 (the Act) Policy at Appendix A be approved for a consultation exercise as required by the Act.

### **Executive Summary**

Members will recall that the Council originally approved the Gambling Act 2005 policy in December 2006. In accordance with s.349 of the Act, the Council is required to review, prepare and publish this policy at least every 3 years following a full consultation process with those persons specified within the Act and any others deemed relevant by the Council. The government recommends that the consultation process should take 3 months to enable sufficient time for those consulted to respond. The Policy was reviewed and re-published in 2009. It is now necessary to review the policy and carry out a further consultation exercise.

### **Sustainable Community Strategy and Corporate Plan Implications**

The revision of the Gambling Act 2005 policy contributes to the Sustainable Community Strategy themes of Thriving Economy, Sustainable Environment and Safe Communities, and to the Council's Corporate Plan priorities of People and Place.

### **Corporate Implications**

The proposed consultation exercise and subsequent review and publication of the policy must be carried out in order to comply with the Gambling Act 2005. Non-compliance may lead to possible legal and financial implications in that future applications determined under the Act may be challenged.

### **Financial Implications**

It is not considered that costs associated with the consultation exercise and review will be significant.

### **Legal Implications**

Under Section 349 of the Gambling Act 2005, a Licensing Policy Statement must be produced and published every three years. It must be reviewed from time to time over the three year period and may be revised during the period taking into account any relevant changes brought about by guidance issued by the government. The Licensing Authority is required to consult various specified authorities in revising a Licensing Policy Statement. The bodies and persons who must be consulted are set out in subsection (3) of Section 349 of the Act.

### **Detailed Report**

1. The Gambling Act 2005 policy must be reviewed, undergo a consultation process and be approved by Council by December this year, as required by the Gambling Act 2005.

2. There have been no relevant changes to legislation since the Policy was last reviewed in 2009 and there have been no comments in relation to the Policy during this time.
3. It is not considered that any changes are currently required and as such it is proposed that the current version of the Policy should be used for the consultation exercise.
4. The consultation process is recommended by the government to last 3 months.
5. It is proposed that an updated version of the consultation list previously used in 2009 will be utilised for this purpose.
6. It is proposed that the reviewed amended Policy undergoes the consultation process from May to July, in order for the consultation responses to be considered by the Licensing Committee at its meeting in November 2012.

## **Background Papers**

Files in Environment.