

Gambling Act 2005 Policy Review – Outcome of Consultation Exercise

1. TITLE

Officer contact: Caroline Steven

Wards affected:

PROPOSED DECISION OR RECOMMENDATION TO COUNCIL

That Committee consider and comment on the draft Statement of Licensing Policy as set out at Appendix () and make recommendation to Council for adoption.

Reason for Decision

To comply with the requirements of section 349 of the Gambling Act 2005.

Corporate Implications

The 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.

Executive Summary

Members may recall that the Council originally approved the Statement of Licensing Policy under the Gambling Act 2005 in December 2006. In accordance with s.349 of the Gambling Act 2005, the Council is required to review, prepare and publish this policy at least every 3 years, following full consultation. The consultation process has now taken place and Members are requested to consider the draft revised Policy.

Sustainable Community Strategy/Council Priorities - Implications

The Policy contributes to the Excellent Customer Services Priority and the safer Communities theme in the Community Plan.

Background and Issues

1. The Statement of Licensing Policy must be reviewed, undergo a consultation process and be approved by Council in December this year, as required by the Gambling Act 2005.
2. The consultation process took place between the 21st July and the 27th October. Approximately 150 letters were sent to organisations and individuals including responsible authorities, trade organisations, representatives of the licensed trade, representatives of residents, Parish Councils and Members. The consultation process was also advertised on the Council's website.
3. Three responses were received. One of these, submitted by Thames valley Police did not suggest any amendments to the Statement of Licensing Policy.

The remaining two were submitted by or on behalf of gambling companies / associations.

4. One of these responses was made by Coral Racing and referred in general terms that conditions should only be applied where necessary and that there should not be a blanket prohibition on the siting of betting shops near to schools. The response also suggested the inclusion of a sentence stating that moral views would not be taken into consideration when determining applications. Given that there is currently a betting shop in the vicinity of a school within the district and the statutory guidance states that moral views are irrelevant in terms of gambling permissions, it is not proposed that any changes to the Statement are required as a result.
5. The final consultation response was made by a law firm acting on behalf of the Association of British Bookmakers. General suggestions have been made to reword sections of the Statement to either re-state the legislation and / or the statutory guidance and to state that mandatory conditions will generally be sufficient to deal with any concerns. It is not considered that any changes are required to the Statement as a result of the suggestions.
6. Spare copies of the Statement will be available for Members at the Committee meeting.
7. The Committee is requested to consider the Statement and make any comments for further amendment prior to its approval and adoption by Council in December.

Options

The Statement of Licensing Policy can be amended by the Committee should it be considered necessary to do so.

Next Steps

If approved, the Statement of Licensing Policy will be referred to Cabinet at its meeting on the 16th November 2015 prior to being considered by Full Council at its meeting on the 14th December 2015

Background Papers

Gambling Act 2005

Gambling Commission Guidance to Local Authorities (5th Edition)

Consultation responses