

<b>Council Meeting</b>	<b>Agenda Item:</b>
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<b>Meeting Date</b>	16 <sup>th</sup> December 2015
<b>Report Title</b>	Statement of principles under Gambling Act 2005: Consultation response and final review policy.
<b>Portfolio Holder</b>	Cllr Ken Pugh
<b>SMT Lead</b>	Mark Radford
<b>Head of Service</b>	
<b>Lead Officers</b>	Angela Seaward
<b>Key Decision</b>	<b>No</b>
<b>Classification</b>	<b>Open</b>
<b>Forward Plan</b>	<b>Reference number:</b> Not Applicable

<b>Recommendations</b>	1. Council is asked, following the recent consultation and consideration by the Licensing Act 2003 Committee to adopt the Statement of principles under the Gambling Act 2005 (gambling Policy) as set out in Appendix 1 as a temporary measure with a view to incorporating the new guidance and conducting a full review of the policy at the earliest opportunity.
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## **Purpose of Report and Executive Summary**

- 1.1 This report sets out the revised Statement of principles under the Gambling Act 2005 (Gambling Policy) and details the consultation process. The Policy was considered by the Licensing Act 2003 Committee on 3<sup>rd</sup> December 2015 and it recommended to Council that it adopt the Statement of principles under the Gambling Act 2005 (Gambling Policy) as set out in Appendix 1
- 1.2 The policy must be published by January 2016. At it's meeting on 22 July 2015 the Committee agreed a consultation on the Revised Statement of Principles under the Gambling Act 2005 (Gambling Policy). The report at that time explained that the consultation reflected current Gambling Commission Guidance but that new guidance was anticipated in the autumn.
- 1.3 The Gambling Commission has only recently published its new guidance document in September 2015, waiting for this guidance to be published would not have allowed enough time to incorporate it in the document and consult and agree on the final policy prior to the January 2016 deadline.
- 1.4 In order to ensure that the Licensing Authority maintains a lawful policy, it is recommended that the Council adopt the Statement of principles under the

Gambling Act 2005 (Gambling Policy) policy that has been out to consultation as set out in the report and Appendix 1 but that this be considered as a temporary measure with a view to incorporating the new guidance and conducting a full review of the policy at the earliest opportunity. A fresh consultation will be undertaken at that time and it is anticipated that this will be done within the next 12 months.

## **2 Background**

- 2.1 The Committee agreed on 22 July 2015 to consult on a Statement of principles under the Gambling Act 2005.
- 2.2 This statement for consultation reflected that it was initially formulated in line with the Kent and Medway Regulatory Steering Group framework and generally it still reflects the Kent wide model. This resulted in the need for only minor changes at that time. Any changes made were mainly for clarity.
- 2.3 However in September 2015 new guidance was issued by the Gambling Commission.
- 2.4 For the reasons set out in the Executive Summary it has not been possible to analyse fully and incorporate the new guidance and hence the recommendations advising the Council to adopt the consultation statement as a temporary measure.

## **3 Proposal**

- 3.1 Members of the Licensing Act 2003 Committee agreed to recommend to Council that it adopts the Statement of principles under the Gambling Act 2005 (Gambling Policy) to ensure that the Council has in place a fit for purpose policy

It is **recommended** that Council adopt the Statement of principles under the Gambling Act 2005 as set out in Appendix 1

## **4 Alternative Options**

- 4.1 The authority has to have in place a current lawful policy which has been consulted on and the suggested way forward is the only viable alternative to achieve this aim whilst allowing time to properly consider any substantial changes arising from the recently published guidance.

## **5 Consultation Undertaken**

- 5.1 Consultation was carried out with interested parties, as detailed in section 3.1 for a formal period of 8 weeks satisfying the requirements under Section 349 of the Gambling Act 2003.

## 6 Implications

Issue	Implications
Corporate Plan	<p><b>A borough to be proud of:</b> the statement seeks to strike the right balance when promoting the gambling objectives.</p> <p><b>A community to be proud of:</b> by promoting the three gambling objectives in this way the authority is providing the community with a clear statement within its regulatory and enforcement role.</p> <p><b>A council to be proud of:</b> the statement will support good decision making processes</p>
Financial, Resource and Property	There will be a cost from Graphic Design to produce the final Statement of Principles under the Gambling Act 2005.
Legal and Statutory	The Licensing Authority must formally review its adopted Statement of Principles every three years, as required under Section 349 of the Gambling Act 2005. The report details how it is intended to incorporate ultimately the revised guidance from the Gambling Commission.
Crime and Disorder	None – apart from those mentioned in the report and policy.
Risk Management and Health and Safety	None.
Equality and Diversity	The Policy is fair and balanced in the needs of all members of the community and users of the licensing service. It has been designed to avoid disadvantage or discrimination
Sustainability	None.

## 7 Appendices

7.1 The following documents are published with this report and form part of the report

- Appendix I: Final Statement of Principles under the Gambling Act 2005

## 8 Background Papers

8.1 None