

**South Lakeland District Council  
Licensing Regulatory Committee**

**21<sup>st</sup> August 2018**

**The Gambling Act 2005 – Revised Statement of  
Gambling Policy**

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<b>Portfolio:</b>	Culture and Leisure Portfolio Holder
<b>Report from:</b>	Assistant Director Neighbourhood Services
<b>Report Author:</b>	Hardeep Burnley – Principal Food, Licensing and Safety Officer
<b>Wards:</b>	All
<b>Forward Plan:</b>	Included in the Forward Plan as published on 29 <sup>th</sup> May 2018

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**1.0 Expected Outcome**

- 1.1 The revised Statement of Gambling Licensing Policy has been subject to a consultation process and the results are presented to this committee for consideration prior to the revised policy being forwarded to Full Council for adoption.
- 1.2 Adoption of the policy will lead to the enforcement and licensing of gambling being conducted in a fair and balanced way which is beneficial to businesses and communities.

**2.0 Recommendation**

**2.1 It is recommended that the committee:-**

- (1) **Notes the consultation undertaken with stakeholders and the responses to that consultation as outlined within the report; and**
- (2) **Endorses the revised Statement of Gambling Licensing Policy as attached to this report (as Appendix 1); and**
- (3) **Recommends the revised Statement of Gambling Licensing Policy to Full Council for endorsement and adoption.**

**3.0 Background and Proposals**

- 3.1 A review of the Council's Statement of Gambling Licensing Policy has been completed in accordance with the statutory timetable contained within the Gambling Act 2005. Consultation took place from the 1<sup>st</sup> February 2018 to the 30<sup>th</sup> April 2018.
- 3.2 Once a new policy is adopted it will provide an up to date licensing framework for stakeholders within South Lakeland. The proposed policy is set out as Appendix 1 of this report.
- 3.3 Section 349 of the Gambling Act 2005 provides that each Licensing Authority to determine and publish a statement of its Gambling Licensing Policy once every three years.

- 3.4 The statement sets out the basis on which a decision under the Gambling Act 2005 will be made. It strives to achieve a local balance between the commercial interest of the licensing trade and the communities they serve and affect.
- 3.5 There have been national and legislative policy changes since the Council's policy was last amended in 2015 and these changes are reflected in the revision of the policy.
- 3.6 The committee are also requested to note that during the consultation process the Gambling Commission guidance to licensing authorities 5<sup>th</sup> Edition (September 2016) was published and, therefore, compared to the policy that was subject to consultation, references to the relevant guidance have been updated and cross referenced accordingly.

#### **4.0 Consultation**

- 4.1 Consultation has been carried out on the revised policy document from the 1<sup>st</sup> February 2018 to 30<sup>th</sup> April 2018. All consultees were informed of the relevant period in which consultation responses are required.
- 4.2 Before determining its Policy for a three year period the Licensing Authority must consult the following:
- The Chief of Police for the area;
  - One or more persons who appear to the authority to represent the interest of persons carrying on gambling businesses in the authority's area;
  - 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 the authority's function under the Gambling Act 2005.
- 4.3 The results from the consultation exercise can be found in Appendix 2 of this report. There were in total two responses to the consultation and they were all in favour of the policy and appropriate amendments were made to the policy. The changes made are detailed in Appendix 3.
- 4.4 The policy and consultation exercise were also available on South Lakeland District Council's website.

#### **5.0 Alternative Options**

- 5.1 The alternative is not to accept the revisions, however this is not recommended as the authority has a statutory duty to review its Statement of Gambling Licensing Policy. A duty is placed on the authority to publish the revised policy by 1<sup>st</sup> January 2019.

#### **6.0 Links to Council Priorities**

- 6.1 The review of the Statement of Gambling Licensing Policy links to the Council Plan priority of improving health and reducing health inequalities, by setting expectations on each of the gambling licensing objectives which may have been an impact on the health of a resident. The policy outlines expectations against each of the licensing objectives and how they are to be met.

#### **7.0 Implications**

##### **7.1 Financial, Resources and Procurement**

- 7.1.1 There are no direct financial impacts associated with this report. Established revenue budgets have accommodated the costs of undertaking the consultation process.

## 7.2 Human Resources

7.2.1 There are no staffing implications; however any training and development needs will be identified through the appraisal and one to one process. Any training and development needs will be actioned.

## 7.3 Legal

7.3.1 Section 349 of the Act requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. The statement of Gambling Licensing Policy can be reviewed and revised by the Licensing Authority at any time.

7.3.2 When determining and publishing a statement of its Policy and licensing function, local authorities must have regard to 'Gambling Commission: Guidance to licensing authorities 5th Edition'. Where revisions to the guidance are made by the Secretary of State, it will be for South Lakeland District Council to determine whether revisions to its own Gambling Licensing Statement are appropriate, following the consultation as outlined in section 4 of this report.

## Health, Social, Economic and Environmental

7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? Yes (Appendix 4)

7.5 Summary of health, social, economic and environmental impacts: The draft policy generally supports individuals and businesses by providing consistent and clear guidance on how the Council enforces the Gambling Act 2005. The draft policy has no impact on health as the policy is written in consultation with Gamcare. The draft policy also requires the applicant to assess the risk associated with the premises and take action to mitigate those risk. In addition to this the policy provides a local area profile highlighting areas of high risk and the applicant is required to follow a Social Responsibility Code.

## Equality and Diversity

7.6 Have you completed an Equality Impact Analysis? No

7.7 If you have not completed an Impact Assessment, please explain your reasons: The report and consultation are published in line with national guidance, which have been assessed nationally.

## Risk

Risk	Consequence	Controls required
Failure to review and publish a revised Statement of Gambling Licensing Policy would constitute a contravention of the Gambling Act 2005.	In such circumstances the Council would be unable to properly fulfil its statutory licensing responsibilities.	Procedures in place to ensure that the Statement of Gambling Licensing Policy is reviewed and subsequently published in accordance with the statutory timetable.

## Contact Officers

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## Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Draft Statement of Gambling Licensing Policy 2019-2022
2	Results of consultation exercise
3	Response to consultation
4	Health, Social, Economic and Environmental Impact

## Background Documents Available

Name of Background document	Where it is available
Gambling Act 2005	<a href="http://www.legislation.gov.uk/ukpga/2005/19/contents">http://www.legislation.gov.uk/ukpga/2005/19/contents</a>
Gambling Commission: Guidance to Licensing Authorities 5 <sup>th</sup> Edition (September 2016)	<a href="http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf">http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf</a>

## Tracking Information

Signed off by	Date sent
Legal Services	06/06/2018
Section 151 Officer	05/06/2018
Monitoring Officer	06/06/2018
SMT	N/A

Circulated to	Date sent
Assistant Director	17/05/2018
Human Resources Manager	17/05/2018
Communications Team	17/05/2018
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	21/08/2018
Executive (Cabinet)	N/A
Council	10/10/2018