

## **Meeting of the Council – 30<sup>th</sup> November 2009**

### **Report of the Cabinet**

#### **Gambling Policy**

#### **Purpose of Report**

1. To consider the recommendations of the Licensing and Safety Committee and the Cabinet in relation to the review of the Council's Gambling Policy.

#### **Background**

2. The Gambling Act 2005 requires the Council to prepare and publish a statement of its Gambling Policy every three years.
3. The current Policy was approved by the Licensing and Safety Committee on 19<sup>th</sup> October 2006, the Cabinet on 1<sup>st</sup> November 2006, Council on 4<sup>th</sup> December 2006, and was published on 3<sup>rd</sup> January 2007.
4. The Licensing Officer has produced a draft Gambling Policy to include the changes to the Gambling Commission Guidance to Licensing Authorities issued in May 2009. These changes have been highlighted in 'bold'. A copy of the draft policy is attached to this report as Appendix 1.
5. The draft policy went out to consultation on 1<sup>st</sup> October 2009. A list of consultees is set out in the draft policy on pages 4 and 5.
6. A response to the consultation was received from the British Beer and Pub Association. A further response was received from Roger Etchells acting on behalf of Shipley Investments Limited and Mirage Leisure Limited who operate Adult Gaming Centre premises in the Borough. These responses were reported to and taken into account by the Licensing and Safety Committee and the Cabinet in making a recommendation to the Council. Copies of the individual responses are available from Democratic Services (01384 815235).
7. The Licensing and Safety Committee considered the draft Gambling Policy, together with the responses to the consultation, at its meeting on 12<sup>th</sup> November 2009. The recommendations of the Licensing and Safety Committee were reported to the Cabinet at its special meeting on 18<sup>th</sup> November 2009 as follows:-

That, subject to inclusion of the following amended wording to the second paragraph under the sub-heading

(iii) Premises “ready for gambling” (Page 16 of the draft Policy) to read:-

If the Applicant does not yet have a right to occupy or does not have an operators licence from the Gambling Commission then an application for a provisional statement should be made instead

arising from comments received and to no action being taken on the remaining comments received to the draft Gambling Policy,

the Cabinet be recommended to recommend Council that the draft Gambling Policy, as set out in Appendix 1 to the report submitted, be adopted for publication on 4<sup>th</sup> January 2010.

8. On consideration of the information in this report, the Cabinet at its special meeting held on 18<sup>th</sup> November 2009, resolved to recommend the Council as set out in paragraph 17 below.

### **Finance**

9. The costs of publication of the Gambling Policy will be met out of the Licensing budget.

### **Law**

10. The Gambling Act 2005 Section 348 (1)(a) and (b) requires all Local Authorities to prepare and publish a Licensing Policy.
11. The statutory consultees on that policy are set out in Section 349(3) of the Gambling Act 2005: -

The Chief Officer of Police

Representatives of persons carrying on gambling businesses

Representatives of persons who are likely to be affected or by or otherwise have an interest in the licensing policy.

### **Equality Impact**

12. This report takes into account the Council’s policy on equality and diversity.
13. A Gambling Policy will impact equally on all racial groups.
14. A Gambling Policy will impact on children and young persons through their permitted attendance at certain categories of licensed premises.
15. There has been consultation and involvement of young people in developing this policy as part of the consultation process through Area Committee and the Directorate of Children’s Services.

16. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.

**Recommendation**

17. That the revised Gambling Policy, as attached as Appendix 1, be approved subject to the recommended amendment as referred to in paragraph 7 of this report.

A handwritten signature in black ink that reads "J. E. Millward". The signature is written in a cursive style with a large initial 'J' and a distinct 'E'.

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LEADER OF THE COUNCIL