
Meeting: Executive
Date: 9 February 2010
Subject: The Gambling Act 2005 – Gambling Policy
Report of: Cllr McVicar, Portfolio Holder for Safer and Stronger Communities
Summary: The report proposes that following the consultation period and the review by the Licensing Committee, Executive endorses and Full Council adopt the Gambling Policy.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Nicola Preston, Licensing Assistant
Public/Exempt: Public
Wards Affected: All
Function of: Shared function of Executive and Council
Key Decision Yes
**Reason for urgency/
exemption from call-
in (if appropriate)** Not applicable

CORPORATE IMPLICATIONS

Council Priorities:

Educating, protecting and providing opportunities for children and young people – One of the three licensing objectives is to protect children from harm.
Managing growth effectively – Legislation allows the Council to restrict the number and location of premises undertaking activities covered by the Act.
Creating safer communities – One of the licensing objectives is specifically to prevent gambling from being a source of crime, being associated with crime or disorder or being used to support crime.

Financial:

Fees for activities associated with activities covered by the Gambling Act 2005 are statutory and set by the Secretary of State. Statutory fee levels are set to cover the full cost of administering this function. There is no cost to Central Bedfordshire Council.

Legal:

This policy has been set out in line with the guidance relating to the Gambling Act 2005 issued by the Secretary of State, Department of Culture, Media and Sport.

Risk Management:

The Council has a statutory duty to adopt a policy in relation to administration of those functions covered by the Gambling Act 2005.

Staffing (including Trades Unions):

There are no implications for staffing

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. No equality issues have been identified following the adoption of this policy.

Each application is considered on its own merits, taking into account the three licensing objectives. Further information on equalities will be provided to applicants in supplementary guidance documents.

Community Safety:

The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The protection of children and vulnerable adults and the prevention of crime are key principles of the policy and support our statutory duty.

Sustainability:

No direct implications

Summary of Overview and Scrutiny Comments:

- The report was not requested to be seen by Overview and Scrutiny.

RECOMMENDATION(S):**That the Executive:**

- 1. Endorses the Gambling Act 2005, 'Statement of Principles' policy now submitted.**
- 2. Recommends that Council:**
 - (a) adopt the Gambling Act 2005, 'Statement of Principles' policy; and**
 - (b) delegate authority to undertake any necessary minor amendments to the policy, prior to publication, to the Director of Sustainable Communities, in consultation with the Portfolio Holder for Safer and Stronger Communities.**

Reason for Recommendation(s): So that the 'Statement of Principles' policy required by the Gambling Act 2005 can go to Full Council on the 25 February 2010 for adoption.

Executive Summary

The Council, as a licensing authority, are required under the Gambling Act 2005 to adopt a 'Statement of Principles' policy every three years in line with statutory dates. Due to the transition to a Unitary Authority the Council is required to ensure this policy is in place by the 1 April 2010.

Background

1. Central Bedfordshire Council is required to adopt a Statement of Gambling Principles by 1 April 2010.
2. The Gambling Act 2005 places general duties on licensing authorities to carry out its functions under the Act. Each licensing authority is required to consult, review and publish its policy in line with statutory dates. The next review was due on 31 January 2010. However, under SI 2008:2867 The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 Part 4, Paragraph 12, Section (5), a period of 12 months from the reorganisation date is prescribed for publishing a statement of principles under the Gambling Act 2005. Furthermore, under the same Regulations Part 4, Paragraph 12, Section (9), the requirements of Section 349(1) of the Gambling Act 2005 are treated as satisfied, as regards the three year period beginning with the 31 January 2010.
3. The policy must promote the three licensing objectives:
 - Preventing gambling from being a source of crime, being associated with crime or disorder or being used to support crime.
 - Ensuring that gambling is conducted in a fair and open way.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

These are the only matters that can be considered when deciding an application.

Statement of Principles Policy

4. The draft gambling policy (Appendix A) was sent out for consultation to the responsible authorities and interested parties. The consultation period ran from 7th September 2009 to 30th November 2009.
5. 2 responses (Appendix B) were received which supported the policy as it stands. No other comments were received
6. At the meeting of the Licensing Committee on the 13 January 2010 it was recommended that minor amendments be made to page 5 of Appendix A (Draft Statement of Principles – Gambling Act 2005) to rectify wording and to state that the approval and publication dates are subject to adoption at Full Council. An extract of the minutes of the Licensing Committee are attached at Appendix C.

Conclusion and Next Steps

7. In order for Central Bedfordshire Council to publish its Gambling Policy on 1 April 2010, the policy must be approved and released for publication 28 days before coming into effect. The policy must therefore be published by 4 March 2010.

Appendices:

Appendix A - Draft Statement of Principles – Gambling Act 2005

Appendix B - Letters received from Consultees.

Appendix C – Extract of the minutes of the Licensing Committee on the 13 January 2010

Background Papers: None

Location of papers: N/A