

Licensing Act 2003 Committee Meeting	
Meeting Date	22 July 2015
Report Title	Statement of Gambling Policy 2016 -2019
Cabinet Member	Cllr Kent Pugh, Cabinet Member for Community Safety and Health
SMT Lead	Mark Radford
Head of Service	
Lead Officer	Angela Seaward
Key Decision	No
Classification	Open
Forward Plan	Reference number:
Recommendations	<p>The Committee is asked to:</p> <ol style="list-style-type: none"> 1. Approve the form of the draft Statement of Gambling Policy attached as Appendix I for consultation. 2. Receive a further report setting out the responses to the consultation and the final draft policy for approval and referral to full council before January 2016.

1 Purpose of Report and Executive Summary

- 1.1 This report presents the revised statement of Gambling Policy for the Period 2016-2019. It makes it clear that this Statement of Principles was prepared under Section 349 of the Gambling Act 2005 with regard to Guidance issued by the Gambling Commission. This Statement is to be regarded as an interim Statement required to meet the Council's statutory obligations. The Council is aware that the Gambling Commission will be publishing shortly revised guidance and when this is available the Council will undertake a full review of the Statement to ensure that it complies with any revised guidance issued.

2 Background

- 2.1 Swale Borough Council is the Licensing Authority under the provisions of the Gambling Act 2005 (the Act).
- 2.2 The Council is required to produce a Statement of Gambling Policy to demonstrate how applications under the Act will be dealt with.

- 2.3 When exercising functions under the Act the Licensing Authority **shall aim to permit** the use of premises for gambling in so far as the authority thinks it is in accordance with (a) any relevant code of practice (b) any relevant guidance issued by the Gambling Commission (c) the agreed gambling policy statement and is reasonably consistent with the gambling objectives.
- 2.4 The gambling objectives are i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime ii) ensuring that gambling is conducted in a fair and open way and iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.5 The current statement of gambling policy was prepared in accordance with the Guidance to Licence Authority 4th Edition issued by the Gambling Commission in September 2012. This remains the current guidance although a 5th Edition is anticipated later in the year.

3 Proposals

- 3.1 As the Licensing Authority the Council currently faces a dilemma. The Gambling Commission is due to issue revised guidance to licensing authorities. This guidance is being heralded as making significant amendments to the statement that has to be agreed.
- 3.2 Obviously it is unhelpful that we know at the stage when policies are being reviewed that we will soon be receiving amended Guidance. It is, therefore, important not to anticipate the new Guidance in this revision as there can be no certainty as to what the final form will include and whether it will mirror the consultation draft after responses have been taken into account.
- 3.3 The consultation only closed in late June 2015 and there is no information as to when the final guidance may be published.
- 3.4 Given these circumstances it is suggested that the current revision to the Statement should be kept very light touch. An initial review within the Licensing team would indicate that the current statement is 'fit for purpose'.
- 3.5 It is proposed that the revised statement of Gambling Policy attached at Appendix I is agreed by the Committee as fit to go out to consultation. The Committee should note that the only revisions relate to the demographic information.
- 3.6 It is further proposed that consultation be on a restricted basis but one which will satisfy the consultation elements of the guidance. As part of the consultation process it would indicate that there will be a further review and consultation when the anticipated 5th edition of Guidance is published.

3.7 This will enable the publication of a revision in January 2016 to meet statutory requirements and provide certainty before the next revision. This is in essence a holding position pending publication of the revised guidance

4 Alternative Options

4.1 The Council could await the publication of the revised guidance, however, this is not recommended as there is no indication as to when this might be.

4.2 The Council cannot be placed in a situation where there is no current statement in place and there is a gap between expiry of the current statement and publication of a revised one within the statutory timescale. It is a statutory requirement to have a Statement of Principles and the decisions made under the Act have to have regard to that. If there is no statement then no decision would be validly made

5 Consultation Undertaken or Proposed

5.1 Consultation will be carried out over a period of twelve weeks as required by the guidance.

5.2 It is proposed that consultation letters and copies of the policy will be sent to the following:

- The Chief of Police for the area
- The Police Licensing Officer for Kent and Medway
- The Fire Authority for the area
- The Gambling Commission
- Gamcare and Other Gambling Service
- Kent Child Protection Services
- Public Health
- Kent Magistrates Services
- Local businesses with a relevant interest
- SBC planning and environmental departments
- All SBC Councillors

6 Implications

Issue	Implications
Corporate Plan	<p>A borough to be proud of: the statement seeks to strike the right balance when promoting the gambling objectives.</p> <p>A community to be proud of: 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>

	A council to be proud of: the statement will support good decision making processes
Financial, Resource and Property	None identified at this particular time.
Legal and Statutory	The Licensing Authority must formally review its adopted Statement of Gambling Policy every three years as required under section 349 of the Gambling act 2005. Without an up to date statement then no decision in relation to gambling issues would be validly made.
Crime and Disorder	The Statement is prepared having regard to the three gambling objectives, the first of which is: preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime. The statement is pivotal to the Council in addressing any crime and disorder issues from gambling.
Sustainability	None
Health and Wellbeing	The statement is underpinned by the three gambling objectives which are designed to encourage responsible gambling.
Risk Management and Health and Safety	None
Equality and Diversity	None identified at this stage.

7 Appendices

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

- Appendix I: Revised Statement of Gambling Policy 2016-2019

8 Background Papers:

None