

Meeting Date	3 rd December 2015
Report Title	Statement of principles under Gambling Act 2005: Consultation response and final review policy.
Portfolio Holder	Cllr Ken Pugh
SMT Lead	Mark Radford
Head of Service	
Lead Officers	Angela Seaward
Key Decision	No
Classification	Open
Forward Plan	Reference number: Not Applicable

Recommendations	<p>The Committee is asked following the consultation exercise to:</p> <ol style="list-style-type: none"> 1. Approve the revised Statement of Principles under the Gambling Act 2005 (Gambling Policy) attached as appendix 1 as a temporary measure with a view to incorporating the new Gambling Commission 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. Recommend Council approve the revised Statement of Principles under the Gambling Act 2005 (Gambling Policy) attached as appendix 1 as a temporary measure with a view to incorporating the new Gambling Commission 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.
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Purpose of Report and Executive Summary

1.1 Swale Borough Council is the Licensing Authority under the Gambling Act 2005 (the Act) for the Borough of Swale. One of the requirements of the Act is that the Licensing Authority has in place a Statement of Gambling Policy (the policy), which must be reviewed every three years. This Review is the appropriate time to make any changes to the Policy considered to be appropriate in light of the previous 3 years experience of administering the provisions of the Act.

1.2 The policy must be published by January 2016. At its 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 Committee agree the 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 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 this 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 Committee to accept the consultation statement as a temporary measure and to recommend this approach to Council.

3 Proposal

3.1 There are no representations on the consultation statement approved by the Committee in July 2015 for the Licensing Committee to consider despite widespread consultation with the Chief of Police for the area, the Police Licensing Officer for Kent & Medway, the Fire Authority for the area, The Gambling Commission, Gamcare and other Gambling Services, Kent Child Protection Services, West Kent Primary Care Trust, Kent Magistrates Services, Local Businesses with a relevant interest and all stake holder. The Councils Planning and Environmental Departments and all Swale Borough Councillors, no comments were received.

The most likely reason for there being no responses is that the policy is extremely robust and covers all sections of the Act and the then current guidance, it has also only had minor amendments made. The changes to the Statement of Principles (Gambling Policy) only relate to the demographic information.

3.2 The approach taken and principles applied to the draft policy were as follows:

- Ensuring compliance with legislation
- Improving referencing
- Supporting applicants by including 'Criteria' and 'Considerations'.
- Incorporating best practice from leading authorities.

3.2 The Committee is asked following the consultation exercise to:

1. Approve the revised Statement of Principles under the Gambling Act 2005 (Gambling Policy) attached as appendix 1 as a temporary measure with a view to incorporating the new Gambling Commission 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. following consultation

2. Recommendation to Full Council to approve the revised Statement of Principles under the Gambling Act 2005 (Gambling Policy) attached as appendix 1 as a temporary measure with a view to incorporating the new Gambling Commission 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.

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

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>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> <p>A council to be proud of: 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