

# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	FULL COUNCIL	14 DECEMBER 2015	15

## REVIEW OF STATEMENT OF GAMBLING POLICY

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

#### SUMMARY

The Gambling Act 2005 requires the Licensing Authority to determine and publish a Statement of Gambling Policy for a 3 year period to set out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made.

The current Policy must be re-considered by the 1<sup>st</sup> January 2016 and as such, the purpose of this report is to inform Members of the consultation process undertaken and the amendments to the current policy.

#### RECOMMENDATION

The revised Statement of Gambling Policy has been drafted taking into account changes in the legislation and has been widely consulted upon. It is therefore requested that the Full Council adopt the revised Policy.

#### CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment ( <b>Place</b> )	√	To Encourage Cohesive Communities ( <b>People</b> )	√
To Promote a Thriving Economy ( <b>Prosperity</b> )	√	To Meet Expectations of our Customers ( <b>Performance</b> )	√

#### SUMMARY OF PREVIOUS DECISIONS

The current Policy was approved by Full Council on the 3rd December 2012.

## REPORT

1. The Gambling Act received Royal Assent in April 2005 and consolidated regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling in one Act.
2. The Act established the Gambling Commission which has responsibility for advising both central and local government on issues relating to Gambling. In addition, the Gambling Commission has responsibility for issuing Operating Licences and Personal Licences to organisations and individuals who wish to undertake certain activities under the Act.
3. Fylde Borough Council has responsibility under the Act to issue premises licences, permits and temporary use notices in respect of premises where it is proposed that gambling should take place. Additionally, the Authority continues to be responsible for the registration of Small Society Lotteries.
4. Members will be aware that under the Act the Council, as Licensing Authority, is required to produce a policy every 3 years setting out how it intends to implement the Act.
5. S25 of the Gambling Act requires the Gambling Commission to issue Guidance to Licensing Authorities on the discharge of functions under the Act. The Guidance was originally issued in April 2006 and dealt primarily with matters intended to assist the Licensing Authorities in the development of Gambling Policy.
6. The Guidance has been subject to several revisions, the latest being in September 2015 following emerging issues since the implementation of the Act. This Guidance sets out the principles that must be applied by the Licensing Authority in exercising its functions under the Act.
7. The draft revised Gambling Policy was issued for consultation on the 29th September 2015 and the final date for any comments to the proposals is the 22nd November 2015.
8. The existing Policy has been kept under review since coming into force on 1st January 2013 and no revision has been deemed necessary to the existing policy apart from references which have become outdated and an addition at part 4 concerning Local Risk Assessments.
9. The Act requires the Council to consult with various groups before the Policy is determined as follows:
  - the chief officer of police for the authority's area
  - one or more persons who appear to the authority to represent the interests 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 functions under this Act
10. The consultation has included the following organisations:
  - Lancashire Constabulary
  - The Fire Authority

Representatives of businesses and residents in the borough  
 Representatives of persons representing the interests of persons carrying on gambling businesses in the borough  
 Fylde Community Safety Partnership  
 Local licensing solicitors  
 Representatives of child welfare groups  
 Town and Parish Councils  
 Youth organisations  
 Gambling industry organisations and associations  
 Gambler support organisations  
 Faith groups

11. The draft Policy was considered by the Licensing Committee on the 27<sup>th</sup> November 2015 who have recommended the adoption of the Policy. Full Council is therefore requested to consider the revised Policy and adopt it with effect from the 1<sup>st</sup> January 2016.

IMPLICATIONS	
Finance	The adoption of the policy has no direct financial implications, although there are resource implications for enforcement of any licence conditions. Such implications will be delivered within existing revenue budget provision.
Legal	The Council continues to have the statutory responsibility to administer the gambling function.
Community Safety	Views of community safety partners are incorporated into the policy.
Human Rights and Equalities	No direct implications arising from the report or policy
Sustainability and Environmental Impact	A balanced approach to regulating the trade as part of a sustainable community is promoted through the policy.
Health & Safety and Risk Management	No direct implications arising from the report or policy. Those arising from enforcement activity will be managed operationally.

LEAD AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	1 <sup>st</sup> December 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Draft Statement of Gambling Policy 2016 - 2019	November 2015	<a href="http://www.fylde.gov.uk/business/licensing/consultation-council-39-s-gambling-licensing-polic/">http://www.fylde.gov.uk/business/licensing/consultation-council-39-s-gambling-licensing-polic/</a>

Attached documents

1. Statement of Gambling Policy
2. Summary of Responses as at