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## **REVIEW AND ADOPTION OF THE GAMBLING POLICY**

To: **Council – 3<sup>rd</sup> December 2015**

Main Portfolio Area: **Community Services**

By: **Philip Bensted, Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **Not applicable**

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**Summary: The review and adoption of the Gambling Policy**

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1 The Gambling Act 2005 came into force in September 2007. It removed from the Magistrates' Court all responsibility for granting gaming and betting permissions. The Act introduced a unified regulator, the Gambling Commission, and a new licensing regime for commercial gambling (to be conducted by the Commission or by Licensing Authorities, depending on the matter to be licensed).
- 1.2 Premises licences are granted by Licensing Authorities, which, in an English County with a County Council, are the District Councils. Premises licences authorise the provision of facilities on casino, bingo and betting premises, adult gaming centres and family entertainment centres. Decisions relating to premises licences are delegated to the Licensing Board under the Act. Permits for gaming machines and Small Society lottery registration are also dealt with by District Councils.
- 1.3 Licensing Authorities must have a Statement of Gambling Policy in place under the Act. Full Council approved the Gambling Policy in December 2006. This Policy is required under the Act to be reviewed every three years and was again approved by Full Council in October 2009 and December 2012. The Policy needs to be published four weeks prior to the 31<sup>st</sup> January 2016.
- 1.4 Premises licensed by the Council are an important part of our local town centres, with a significant number of employees. It is therefore important to the local economy that the Council discharges its statutory duty in both an efficient and effective manner.

#### **2.0 The Current Situation**

- 2.1 There are currently 3 casino, 2 bingo, and 18 betting premises in Thanet. In 2007 there were 21 betting premises. There are also 13 Adult Gaming and Family Entertainment Centres. A variety of permits have also been issued to premises for gaming machines. It has not been necessary to arrange any Sub-Committee hearings since the Act came into force.
- 2.2 Guidance under the Act is issued by the Gambling Commission to Local Authorities. The Gambling Commission published its fifth edition of the Guidance in September 2015.

2.3 Consultation took place on the draft Statement of Gambling Policy between the 23<sup>rd</sup> July and the 15<sup>th</sup> October 2015. The Act requires the Licensing Authority to consult with the Police and interested persons. 'Interested persons' are further defined in the Act. Copies of the draft Policy were sent to the persons and bodies mentioned at appendix 5 in the Policy. The same appendix lists the responses received, a total of three – Coral Racing Limited were supportive of the document, Gosschalk Solicitors, on behalf of the Association of British Bookmakers, confirmed their willingness to work in partnership with local authorities, Broadstairs Town Council expressed concern about vulnerable persons and training for staff members about early signs of problem gambling and borrowing money. A further bullet point has been added at the top of page 31 of the draft Policy to reflect this. The amended Statement of Gambling Policy is at Annex 1.

2.4 The Act requires Licensing Authorities to publish the Policy statement in January 2016. The Policy is required to be approved by Full Council. Licensing Authorities are required to have regard to the Guidance issued by the Gambling Commission.

2.5 The Overview and Scrutiny Panel considered the draft Policy Statement on the 20<sup>th</sup> October last and recommended to Council that the Statement should be adopted.

### **3.0 Options**

3.1 To adopt the statement of Gambling Policy.

3.2 To adopt the statement of Gambling Policy with amendments.

3.3 To reject the statement of Gambling Policy and require Officers to produce a further draft.

### **4.0 Corporate Implications**

#### **4.1 Financial and VAT**

4.1.1 None at present. Should the Policy be rejected further consideration would have to take place with cost implications.

#### **4.2 Legal**

4.2.1 Regulations under the Act state that local authorities should have their Policy in place by January 2016. Legal challenges may be made where consultation does not comply with the Act or Policy does not follow the Guidance issued.

#### **4.3 Corporate**

4.3.1 To be able to carry out its functions under the Act the Council will have to approve a statement of Gambling Policy by December 2015. The Policy takes into account the Human Rights Act 1998 and the Equalities Act 2010.

4.3.2 All parts of the Authority that has relevant expertise have had the opportunity to give advice on the Policy.

#### **4.4 Equity and Equalities**

4.4.1 The consultation process sought to engage with a number of organisations who represent the interests of a range of groups. No adverse impact has been identified as a result of the consultation process.

## 5.0 Recommendation

5.1 To adopt paragraph 3.1 that Council adopt the statement of Gambling Policy.

## 6.0 Decision Making Process

6.1 If Council adopt the statement of Gambling Policy it will come into force in January 2016.

Future Meeting if applicable: N/A	Date:
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Reporting to:	<i>Penny Button, Head of Neighbourhood Services</i>

## Annex List

Annex 1	Draft Policy document
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## Background Papers

<b>Title</b>	<b>Details of where to access copy</b>
<i>Guidance issued by the Gambling Commission</i>	<i>The Guidance is available at <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a></i>

## Corporate Consultation Undertaken

Finance	<i>Matt Sanham, Corporate Finance Manager</i>
Legal	<i>Colin Evans, Assistant Litigation Solicitor</i>
Communications	<i>Hannah Thorpe, PR &amp; Publicity Manager</i>