

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

7TH SEPTEMBER 2009

STATEMENT OF GAMBLING POLICY

| | |
|------------------------------|-----------------------|
| Responsible Portfolio Holder | Cllr. Peter Whittaker |
| Responsible Head of Service | David Hammond |
| | |

1. SUMMARY

1.1 This report seeks members' views on the draft revised Statement of Gambling Policy.

2. RECOMMENDATION

2.1 That, subject to any responses received during the consultation period, the Committee recommends to Council that the revised Statement of Gambling Policy be adopted.

3. BACKGROUND

3.1 The Gambling Act 2005 requires the Council to carry out a review of its Statement of Gambling Policy, which is used to determine all applications made under the terms of the Act, every three years.

3.2 Further to its initial adoption in January 2007, it is now necessary to carry out a review of the current document by consulting with all interested parties, ensuring that it continues to reflect the local balance between the commercial interests of the licensed trade and the communities they serve and impact upon. The consultation period commenced on 29th June and is scheduled to close on 21st September 2009.

3.3 Attached is a copy of the draft revised Policy document, which has been updated to reflect the revised Guidance issued by the Gambling Commission. The Council has also worked with the other Council's in the County in reviewing this policy to produce a joint policy so that a consistent approach across the County is taken, and the draft revised Policy reflects that joint approach.

3.4 During the consultation period, no comments have been received from interested parties to date.

- 3.5 Once the consultation period has closed, any responses will be reported to Cabinet and Council where they will be evaluated in conjunction with the other district Councils in the County and incorporated, where necessary, into the revised policy.
- 3.6 The policy document will be submitted to Cabinet on 4th November 2009 which is expected to make its recommendations to Council at its meeting on 18th November 2009.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5. LEGAL IMPLICATIONS

- 5.1 The Council's Legal, Equalities and Democratic Services Department have been consulted on the proposed Policy and their comments have been incorporated.
- 5.2 Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies.
- 5.3 The Statement of Policy will last for a maximum of three years, but can be reviewed and revised by the authority at any time. The statement must be produced following consultation with those bodies and persons set out in subsection (3) of section 349 of the Act. An order of the Secretary of State means that licensing authorities have to publish their second statement of policy by 14th January 2010.
- 5.4 In addition to the requirements set out by the regulations, the Guidance issued by the Gambling Commission set out certain information that the Commission considers should be included in all licensing authority Statements of Policy.
- 5.5 Before publishing a revision of the policy, the regulations require authorities to publish a notice of their intention to publish a revised statement of policy in a local newspaper and on the Council's website at least four weeks before it takes effect.

6. COUNCIL OBJECTIVES

- 6.1 These guidelines contribute to the Council's objectives "Sense of community and well being" and "Improvement".

7. RISK MANAGEMENT

- 7.1 The main risk associated with the detail included in this report is:

- To ensure that the Council has effective policies in place to assist in decision-making and to maintain the consistency of any decisions made.

7.2 This risk is being managed as follows:

Risk Register: Planning and Environment Services

Key Objective Ref No. 7

Key Objective: Effective, efficient and legally compliant Licensing Service

8. **CUSTOMER IMPLICATIONS**

8.1 The draft revised policy will be made available on the Council's website.

9. **EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 An Equality Impact Assessment has been undertaken.

10. **VALUE FOR MONEY IMPLICATIONS**

10.1 There are no value for money implications.

11. **OTHER IMPLICATIONS**

| |
|--|
| Procurement Issues None |
| Personnel Implications None |
| Governance/Performance Management None |
| Community Safety including Section 17 of Crime and Disorder Act 1998 None |
| Policy |
| Environmental None |

12. **OTHERS CONSULTED ON THE REPORT**

| | |
|--|------------|
| Portfolio Holder | Yes |
| Chief Executive | No |
| Executive Director (Partnerships and Projects) | No |
| Executive Director (Services) | No |
| Assistant Chief Executive | No |

| | |
|---|------------|
| | |
| Head of Service | Yes |
| Head of Financial Services | No |
| Head of Legal, Equalities & Democratic Services | Yes |
| Head of Organisational Development & HR | No |
| Corporate Procurement Team | No |

13. WARDS AFFECTED

All wards are affected.

14. APPENDICES

Appendix A Draft Revised Statement of Gambling Policy

15. BACKGROUND PAPERS

Revised Guidance issued by the Gambling Commission

CONTACT OFFICER

Name: Sharon Smith
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626