



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018**

GAMBLING ACT 2005: DRAFT STATEMENT OF POLICY AND CONSULTATION

1. PURPOSE OF THE REPORT

- 1.1 To review and update the Council's Statement of Gambling Policy in respect of the Gambling Act 2005 (as amended) and to seek Member approval for consultation.

2. RECOMMENDATIONS

- (i) That the Committee agrees the reviewed and updated Statement of Gambling Policy as a consultation draft as set out in **APPENDIX 1** of this report;
- (ii) that Officers proceed with a low key consultation as described in the report.

3. SUMMARY OF KEY ISSUES

3.1 Background

- 3.1.1 The Gambling Act 2005 requires each licensing authority to publish a Statement of Gambling Policy and to review that policy at least once every three years. The Statement sets out the principles that the Council will apply in exercising its licensing functions under the Act.
- 3.1.2 As the current Policy expires in January 2019, it has been reviewed and updated in preparation for a statutory consultation process. It has been updated to reflect: new requirements placed on licensees, including risk assessments (the Gambling Commission were keen for licensing authorities to reference this in their statement of licensing policies); deleting references to the Gambling Act being new legislation as it was introduced over a decade ago; and deleting duplication. Key changes have been tracked for ease of reference, a copy of the draft Policy is attached, **APPENDIX 1**.
- 3.1.3 The Policy recognises the licensing objectives set out in the Gambling Act 2005. The Council will not be promoting licensable activities or restricting opportunities for individuals to engage in such activities, but will use the licensing controls to ensure the licensing objectives are met. The Council will seek, through the licensing process and the decisions it takes, to make the Maldon District a safe and welcoming place for both residents and visitors to enjoy.

3.1.4 As there are no wholesale changes to the Policy and given the very limited feedback from previous consultations, it is proposed that a limited two month consultation is undertaken. Consultation can be achieved by:-

- contacting the Chief Officer of Police and other key stakeholders;
- placing a notice on the Council's notice board; and
- placing details on the Council's website.

3.1.5 After a two month consultation, a further report will be made to this Committee to consider the feedback and any amendments proposed as a result of the consultation and to recommend adoption of the Policy by Council.

4. CONCLUSION

4.1 The Council's Statement of Licensing Policy has been reviewed and updated as required by law. As this is just a revision of the Policy and feedback from previous consultations has been very limited, a minimal consultation process has been proposed to ensure compliance with legislation.

5. IMPACT ON CORPORATE GOALS

5.1 The Policy will contribute to the corporate goal of enabling, supporting and empowering communities to be safe, active and healthy.

6. IMPLICATIONS

- (i) **Impact on Customers** – The Policy provides transparency of process to both applicants and stakeholders.
- (ii) **Impact on Equalities** – Implementation of the Policy provides protection so that all stakeholders are treated equitably. It ensures the process is transparent and stakeholders may take issue with the Council if it fails to follow the Policy.
- (iii) **Impact on Risk** – It is important that the Policy is reviewed and updated so that it is current, reflects recent legislative changes and is valid in terms of statutory requirements. This gives clarity when determining licence applications and removes the risk of challenge or appeal.
- (iv) **Impact on Resources (financial)** – The consultation is planned and budgetary provision is in place. A sound and compliant Policy helps protect the Council from the costs associated with challenge and appeal.
- (v) **Impact of Resources (human)** – The review and consultation is planned and is met from existing resources. A sound and compliant Policy helps reduce the ongoing level of staffing input.

- (vi) **Impact on the Environment** – The consultation documents will be published on the Council’s website to reduce the environmental impact of printing and postage.

Background Papers:

Maldon District Council’s Statement of Gambling Policy 2015-18

Gambling Act 2005 (as amended)

Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations

2006 Gambling Commission guidance

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