

26 November 2015

Report of	Head of Professional Services	Author	Jon Ruder
Title	Draft Statement of Gambling Policy // outcome of consultation		
Wards affected	All		

This report details the outcome of the consultation exercise carried out for the Council's draft Statement of Gambling Policy and seeks the Licensing Committees approval for the adoption of the proposed final Statement of Gambling Policy by full Council.

1. Decision Required

- 1.1 Members are asked to consider the outcome of the public consultation exercise in relation to the draft Statement of Gambling Policy and recommend the proposed draft for the final approval of the full Council on 10 December 2015.

2. Reasons for Decision

- 2.1 The Council must re-adopt its licensing policy every three years as a requirement of the Gambling Act 2005. A final version of the policy must be approved by full Council on the 10 December 2015 to be in place and published by no later than the 31 January 2016.

3. Alternative Options

- 3.1 The Gambling Act 2005 requires this policy to be in place as a legal requirement of that Act and consequently there is no alternative.

4. Supporting Information

- 4.1 The public consultation on the proposed draft of the Council's Statement of Gambling Policy took place from 8 October to 8 November 2015. Letters advising of the consultation were sent to the responsible authorities, members and other persons who would have an interest in the policy and to businesses that were, or would be, holders of a premises licence.
- 4.2 Two representations were received to the consultation and these are attached at Appendix 1. The contents of the letters have been noted but it is not considered that any changes should be made to the Policy. The Gambling Commission is currently in the process of consulting on its 5th edition of their Guidance to Licensing Authorities. The Commission highlights the strengthening of the narrative emphasising the role and powers of licensing authorities and their mandate to manage local gambling provision. Once the updated guidance has been issued by the Gambling Commission a more fundamental review of the Policy will be carried out and some of the points raised will be covered in this review.

- 4.3 The final revision of the draft Statement of Gambling Policy is attached at Appendix 2.

5. Proposals

- 5.1 It is proposed that Members the draft policy document for submission to full Council on 10 December 2015.

6. Strategic Plan References

- 6.1 The proposed draft review of the Statement of Licensing Policy attempts to strike a difficult but reasonable and proportionate balance between the different and often competing aspirations of licensed businesses and residents. This Policy recognises the importance of widening the choice and appeal of licensed premises and the development of cultural, social and community activities while at the same time offering reasonable and proportionate protections to local residents, visitors and other non-licensed businesses. The policy is in line with the Council's vision to create a Borough that is vibrant, prosperous, thriving and welcoming.

7. Community Safety

- 7.2 The Council's Statement of Gambling Policy recognises the need for commercial enterprises involved in gambling to be able to go about their lawful business without being hindered by unnecessary restrictions. However, at the same time it also recognises the scope for negative effects that gambling can have on both society and individuals, and endeavours to ensure that the approach adopted by the Licensing Authority will be proportionate, reasonable, accountable, consistent, transparent and targeted and in accordance with the principles of Better Regulation.

8. Consultation

- 8.1 The revised draft policy has been comprehensively consulted on in accordance with the Guidance issued by the Gambling Commission. The Licensing Authority will continue to publicise the implications of this policy and the legislation covered under the Gambling Act 2005 and also assist licence and permit holders as widely as it possibly and practically can.

9. Publicity Considerations

- 9.1 Those businesses, persons, responsible authorities, voluntary groups and other interested parties who may be affected by this policy or have an interest in it, have been invited to submit comments via the consultation process which was the most direct way of publicising the policy to those that needed to know about it.

10. Financial Implications

- 10.1 The Council's Statement of Gambling Policy could be judicially reviewed by an aggrieved party and decisions made by the Licensing Authority to grant or refuse applications submitted under the Gambling Act 2005 can be appealed at Court. The costs of any successful review or appeal brought could be awarded against the Council.

11. Equality, Diversity and Human Rights Implications

- 11.1 The policy has been drafted in accordance with all relevant .

- 11.2 A licence is to be regarded as the property of the holder and their right to the use of that property must be balanced against any other public interest.

12. Community Safety Implications

- 12.1 The Council's Statement of Gambling Policy reasonably and proportionately seeks to offer safeguards against gambling activities in Colchester from becoming a source of crime and disorder, being associated with crime or being used to support crime and protects children and other vulnerable persons from being harmed or exploited by gambling wholly in line with the expectations of the Gambling Act 2005 and the guidance issued by the Gambling Commission that accompanies the Act.

13. Health and Safety Implications

- 13.1 There are no direct health and safety issues arising from the policy.

14. Risk Management Implications

- 14.1 A flexible yet robust revised Statement of Gambling Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making and a secure platform from which to promote the licensing objectives as outlined in the Gambling Act 2005.