

WEST OXFORDSHIRE DISTRICT COUNCIL
LICENSING COMMITTEE: 29 SEPTEMBER 2015
GAMBLING ACT 2005: REVIEW OF GAMBLING LICENSING POLICY
STATEMENT

REPORT OF THE SHARED HEAD OF PUBLIC PROTECTION

(Contact: Nicola Neyhaul Tel: (01993) 861377)

(The Licensing Committee's decisions will be recommendations to the Council.)

1. PURPOSE

To consider any issues raised in the consultation with stakeholders and the public on the Council's Draft Revised Gambling Act 2005 Licensing Policy Statement and consider amendments to the Policy prior to adoption.

2. RECOMMENDATIONS

- (a) That the Licensing Committee approves the recommended amendments and makes a recommendation to Council in relation to the adoption of the Council's Gambling Act 2005 Licensing Policy Statement, attached as Appendix A; and
- (b) That the Shared Head of Public Protection be authorised, following consultation with the Chairman of the Council's Licensing Committee, to make any necessary amendments to the Gambling Act 2005 Licensing Policy Statement prior to it being published on 31 January 2016 which are required for clarification and consistency; and
- (c) That the Council continues to adopt a "no- casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement
- (d) That the revised Gambling Act 2005 Licensing Policy Statement be included in the Council's Policy Framework, as set out in Article 4 of the Constitution.

3. BACKGROUND

- 3.1. The Gambling Act received Royal Assent on the 7 April 2005. The Act replaced most of the existing law relating to gambling in England and Wales and put in place a new structure of gambling regulation. It created a new independent regulatory body, the Gambling Commission, and gave local authorities responsibility for licensing gambling premises in their area. The Council currently licences 8 betting shops, and is responsible for permits and notifications of "fruit machines" in licensed premises.
- 3.2. The Council is required by the Act to publish a Gambling Policy (Licensing Policy Statement) and review the policy every three years. The current draft statement was approved by the Licensing Committee on 15 October 2012 and formally adopted on 31 January 2013.
- 3.3. An 8 week consultation period took place between the 20 July and the 13 September 2015. The changes to the document from the one adopted in January 2013 reflect changes by the Gambling Commission in its Guidance to Licensing Authorities in

respect of operators being required to prepare risk assessments for their businesses which take into account the nature and characteristics of the locality in which they are situated. Information about the consultation period was on the Council's web site. The Gambling Act Responsible Authorities, Elected Members, Parish Councils with betting premises in their area, and representatives of the trade and industry were also consulted. Thames Valley Police and the Witney Town Council were the only respondents to the consultation and both indicated that they have no objections.

- 3.4. S166(1) of the Act states that a Licensing Authority may resolve not to issue casino premises licences. Such a recommendation was made by the Licensing Committee at its meeting held on 15 October 2012 and subsequently approved by the Council on 24 October 2012. Notwithstanding all the Casinos have been allocated by Central Government, s166(3) of the Act states that this resolution expires after three years and the Council needs formally to re-affirm at this time that a "no-casino resolution" is still in place.

4. ALTERNATIVES/OPTIONS

Subject to legal requirements, the Licensing Committee may choose to make recommendations on specific sections of the Policy Statement, as they see fit.

5. FINANCIAL IMPLICATIONS

- 5.1. None

6. REASONS

- 6.1. The new gambling provisions are relevant to the Council Plan in that they relate to the promotion of community safety and the reduction of crime and fear of crime.
- 6.2. The Draft reviewed Licensing Policy Statement is put forward (i) pursuant to the statutory requirements as contained in the Gambling Act 2005; and (ii) on the basis that, if adopted, it will support the three Objectives of the Act, and will assist the Council, as Licensing Authority, in the determining of applications which support the statutory criteria.

Shared Head of Public Protection

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Background Papers:

None.