

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

**SUBJECT: Draft Statement of Gambling Policy and Proposal for Casinos –
Gambling Act 2005**

DIRECTORATE: Chief Executives

MEETING: Licensing & Regulatory Committee

Date to be considered: 15th September 2015

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider the proposed 'Draft Statement of Gambling Policy 2015' prior to submission to Full Council.

2. RECOMMENDATION(S):

- 2.1 To support:-
- (a) Monmouthshire's Draft Statement of Gambling Policy 2016 attached to this report as Appendix A before the final draft is submitted to Full Council on 19th November 2015.
 - (b) A continuation of the resolution not to permit casinos within the County of Monmouthshire before it is submitted to Full Council.

3. KEY ISSUES

- 3.1 Each Local Authority, under the provisions of this Act, must issue a policy which will determine how they will discharge their functions. The current policy held by this Authority under the Gambling Act was approved at Full Council on 22nd November 2012. Under Section 154 of this Act the Authority has a duty to revise the Gambling Policy every three years. This report sets out the procedure and proposed updated policy statement, prior to consideration at Full Council.
- 3.2 Under the provisions of this Act, the Local Authority must issue a policy which will determine how they will discharge their functions. The policy must contain objectives regarding the following:-
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - Ensuring that gambling is conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 When carrying out their functions, the Licensing Authority must have regard to:-
- Any relevant code of practice issued by the Secretary of State
 - Any relevant guidance issued by the Gambling Commission
 - Ensuring the way they exercise their functions are reasonably consistent with the licensing objectives and
 - In accordance with the revised policy.

3.4 At the Licensing and Regulatory Committee of 9th June 2015 reports were provided to Members to consider the revised Gambling Policy and the proposals for Casinos within Monmouthshire. Members were also informed that before determining its policy for a three year period, a licensing authority must consult the following:-

- The Police
- The Fire Authority
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

3.5 This consultation has been conducted and a response was received from a firm of solicitors requesting definitions of the term 'vulnerable person' and 'track' in Appendix C and to amend 'Parish Council' to 'Community Council' in paragraph 1.7 of the Policy, which has duly been carried out.

3.6 No comments were received opposing the resolution not to permit casinos within Monmouthshire.

3.7 The revised policy must be published and in place for commencement on 31st January 2016. The Gwent Licensing Forum, which consists of Council Licensing Officers, Gambling Commission and Police Licensing Officers covering the areas of Monmouthshire, Torfaen, Caerphilly, Blaenau Gwent and Newport, has worked on formulating a policy to incorporate any legal changes and best practice. The proposed policy has been endorsed by the Gwent Licensing Forum with the aim of all five Authorities adopting this Policy, subject to changes pertinent to each Authority's area and character.

3.8 The timetable of events planned for the transition of the Statement of Gambling Policy are as follows:-

| | |
|---|--|
| 22 nd May 2015 | Send out letters for consultation and put on website |
| 1 st June 2015 – 28 th August 2015 | Consultation on Gambling Policy |
| 9 th June 2015 | First Draft of Policy to the Licensing and Regulatory Committee |
| 15 th Sept 2015 | Final Draft, results of consultation to the Licensing and Regulatory Committee |
| 19 th Nov 2015 | Gambling Policy report to Full Council |
| End of Nov 2015 | Legal Notice in Newspaper |
| 3 rd January 2016 | Publication of Gambling Policy |
| 31 st January 2016 | Commencement of Gambling Policy |

4. REASONS

- 4.1 The policy is necessary to guide consistent decisions and takes account of guidance.
- 4.2 There is a need to take account of collaborative approaches
- 4.3 To ensure that applications with no relevant information to consider can be dealt with without unnecessary delay.
- 4.4 To enforce the provisions of the Gambling Act 2005 effectively.

5. RESOURCE IMPLICATIONS

No resource implications identified.

6. CONSULTEES:

Consultation with those listed in 3.4 above. Gwent Licensing Forum. Consultation took place with relevant business and resident representatives via notification of the revised Policy on the Council's website. Similarly, County Councillors, Town and Community Councillors and Solicitors that have previously been involved in licensing matters were consulted.

7. BACKGROUND PAPERS:

Gambling Act 2005

Gambling Commission – Guidance to Licensing Authorities – 4th Edition, Sept 2012

8. AUTHOR:

Linda O’Gorman

Principal Licensing Officer

CONTACT DETAILS:

Tel: 01633 644214

Email: lindaogorman@monmouthshire.gov.uk