

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Adoption of Gambling Policy - Gambling Act 2005

DIRECTORATE: Chief Executives

MEETING: Full Council

Date to be considered: 19th November 2015

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

1.1 To agree the Council's 'Statement of Gambling Policy 2016'.

2. RECOMMENDATION(S):

2.1 To adopt the Gambling Act Policy for Monmouthshire County Council, provided in Appendix A.

3. KEY ISSUES

3.1 Section 349 of the Gambling Act 2005 requires that the local authority periodically prepares and publishes a statement of its gambling policy, to be approved by Full Council.

3.2 Under the provisions of the Gambling Act 2005, the Local Authority must issue a policy which will determine how it will discharge its 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 its 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
- The content of the policy.

3.4 The Policy, under Section 154(2) of the Gambling Act, must be made by Full Council and will last for 3 years. Prior to the approval of this policy by Full Council, consultation under Section 349 of the Act must take place with 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 The required consultation has taken place. 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', which has been changed to 'Town and Community Council' in paragraph 1.7 of the Policy, which has duly been carried out.

3.6 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 that cover 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 Gwent Licensing Forum with the aim of all five Authorities adopting this Policy, subject to changes pertinent to each Authority's area and character.

3.7 The amended draft policy which included the consultation response referred to in 3.5 above was reported to the Licensing and Regulatory Committee on 15th September 2015. This Committee endorsed the draft policy now set out in Appendix A,

4. REASONS:

4.1 The issue of the Policy meets the Authority's obligations under the Gambling Act 2005.

4.2 The Policy is consistent with Authority's corporate objectives and supports the objectives of the Gambling Act 2005 as above.

5. RESOURCE IMPLICATIONS:

None.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

It is a statutory requirement to compile a Gambling Policy, as outlined in Section 3. Although not a 'proposal' (therefore not requiring full assessment) it does contribute positively to protecting children and other vulnerable persons from being harmed or exploited by gambling.

7. CONSULTEES:

- SLT
- Cabinet Members
- Chairs of Select Committees
- Head of Legal Services
- Head of Regulatory Services
- Relevant bodies as outlined in paragraph 3.4 above.
- The Licensing and Regulatory Committee (15th September 2015)

8. BACKGROUND PAPERS:

Gambling Act 2005.

Gambling Commission Guidance issued under Section 349 of the Gambling Act 2005.

9. AUTHOR:
Linda O’Gorman
Principal Licensing Officer

CONTACT DETAILS:

Tel: 01633 644214

Email: lindaogorman@monmouthshire.gov.uk