

Name of meeting: Licensing & Safety Committee
Date: 29 OCTOBER 2012

Title of report: REVISED GAMBLING POLICY - STATEMENT OF PRINCIPLES

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name	
Is it signed off by the Director of Resources?	David Smith – 09.10.12
Is it signed off by the Acting Assistant Director - Legal & Governance?	Vanessa Redfern – 10.10.12
Cabinet member portfolio	Place (Investment and Housing) Cllr McBride 08.10.12

Electoral [wards](#) affected: ALL
 Ward councillors consulted:

Public or private: PUBLIC

1. Purpose of report

This report details the outcome of the consultation process in respect of the review of Kirklees Council's Gambling Policy (Statement of Principles) and makes recommendations to Council for its adoption.

2. Key points

2.1 Introduction

2.1.1 The Gambling Act 2005 requires each Authority to carry out its various licensing functions so as to promote the following three licensing objectives.

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime in any way.
- Ensuring that gambling is conducted in a fair and open way.

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.1.2 To achieve these objectives, the Authority is required to publish a Statement of Gambling Policy every three years and set out the policies the Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Policy should be agreed by the Full Council.

2.2 The Issues

- 2.2.1 The policy document attached (Appendix One) has been circulated widely to stakeholders throughout the Kirklees district, and to numerous national representative bodies and organisations, with a closing date for comments of 28th September 2012. A copy was also posted on the Council's website.
- 2.2.2 The draft policy is based on a template issued by the Local Authorities Coordinators of Regulatory Services (LACORS). The Gambling Commission, in its Guidance to Licensing Authorities, 3rd Edition, May 2009, recommends that the Licensing Authority give appropriate weight to the views of those consulted in respect of the draft policy. In determining what weight to give particular representations, the factors to be taken into account should include:
- Who is making the representations (what is their expertise or interest);
 - Relevance of the factors to the licensing objectives;
 - How many other people have expressed the same or similar views;
 - How far the representations relate to matters that the licensing authority should be including in its policy statement.
- 2.2.3 It is important to demonstrate that in reviewing responses to the consultation, due weight and consideration has been given to all representations including, where appropriate, why some (if any) have been disregarded. This is so that in the event that the policy is challenged, the Authority can demonstrate to a court how it arrived at the policy.
- 2.2.4 Kirklees Council only received one representation on its draft policy and this was a "no comment" response.

3. **Implications for the Council**

3.1 Resource Implications

There are no specific resource implications in respect of the Gambling Policy.

3.2 Legal Implications

The Gambling Act 2005 requires the Authority to review the Statement of Gambling Policy, to consult in respect of the policy and to have discussed and formally adopted, published and advertised the policy by 3 January 2013 for implementation from 31 January 2013.

3.3 Human Rights

There are no human rights issues specific to the Gambling Policy providing the Authority can demonstrate best practice and compliance with national guidance in the production of the policy.

4. **Consultees and their opinions**

- West Yorkshire Police
- The Local Safeguarding Children Board
- Representatives of local businesses
- Local Chambers of Commerce
- Town Centre Associations
- Residents of Kirklees and their representatives
- Kirklees Federation of Tenants & Residents Association
- Town Councils in the district
- Parish Councils in the district
- Local Members of Parliament
- Ward Councillors
- Area Committees
- Sister Services
- National bodies representing the gambling trade
- National charities concerned with the social impact of gambling
- Representatives of existing licence holders
- Yorkshire Forward
- Yorkshire Culture
- West Fire and Rescue
- Community Safety Partnership
- Huddersfield University
- Local financial/debt management agencies
- Holders of Club Premise Certificates
- Holders of Lottery Permits
- Holders of Permits for Amusement Arcades

Only one response was received to the consultation which was a “no comments” response.

5. **Next steps**

The response to the consultation requires no steps to be taken to the draft policy.

6. **Officer recommendations and reasons**

That Members recommend the adoption of the Policy, as its Policy for the next three years, to Cabinet and then to Full Council.

7. **Cabinet portfolio holder recommendation**

Cllr McBride recommends adoption of the policy to the Council

8. **Contact officer and relevant papers**

Catherine Walter

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Background Papers:
Guidance issued by the Gambling Commission (3rd edition) May 2009

9. Assistant director responsible

Paul Kemp
Acting AD, Investment and Regeneration