



<u>Committee and Date</u>
Council
18 April 2013

<u>Item</u>
8
<u>Public</u>

Gambling Act 2005 – Policy Statement

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1. Summary

- 1.1 The Gambling Act 2005 requires the Council to prepare and publish a statement of the principles (policy statement) that it proposes to apply in exercising its functions under the Act. The policy statement under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time.
- 1.2 This report sets out the proposed policy statement.

2. Recommendations

- 2.1 That Council agrees, with any necessary amendments, the proposed Gambling Act 2005 policy statement as detailed in **Appendix 1** and agrees that the policy statement is published and advertised by the Head of Public Protection in accordance with the provisions of the Act and that the policy statement will take effect from 1 June 2013.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The preparation and publishing of the policy statement is a legal requirement under the Gambling Act 2005 (the Act).
- 3.2 If the Council fails to prepare and publish the policy statement the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review. Conversely, by preparing and publishing the policy statement, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise its functions.

- 3.3** An Equalities Impact Needs Assessment has not been undertaken as the report does not concern the implementation of a new policy. The policy statement proposed is a revision of the statement of principles that was adopted when Shropshire Council was formed in 2009. The proposed revised policy statement continues to be in line with requirements of the Act and with guidance issued by the Gambling Commission.
- 3.4** There is no anticipated environmental impact associated with the recommendations in this report.
- 3.5** The recommendation is not at variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications. The recommendation is in line with relevant legal procedures prescribed by the Act and with guidance issued by the Gambling Commission.
- 3.6** The Act requires the Council to consult and this has been undertaken widely with relevant stakeholders. The consultation process followed best practice guidance, as set out by the Department for Business, Innovation and Skills, including allowing 12 weeks (16 January 2013 to 10 April 2013) for responses to the consultation. The policy statement includes a list of the stakeholders that have been consulted. The representations received are listed in **Appendix 2**.

4. Financial Implications

- 4.1** The only direct financial implication associated with the recommendation is the cost of placing the required legal notice in the Shropshire Star newspaper in order to satisfy the requirement to advertise the fact that the policy statement has been published; this cost will be approximately £500.

5. Background

- 5.1** There are set procedures that the Council must follow before the policy statement can take effect. This involves making the statement publicly available by a variety of means for at least 4 weeks and by advertising that it has been published.

6. Additional Information

- 6.1** Unless there are specific reasons for an earlier review and publication of a revised policy statement, the Council will be required to undertake the next consultation process under the Act in the latter part of 2015 with the aim of a revised policy statement being effective from an agreed date in 2016.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The Gambling Act 2005 (2005 Chapter 19)

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2005 (SI 2006 No. 636)

Gambling Commission Guidance to Licensing Authorities 4th Edition September 2012

Statement of Principles Gambling Act 2005 Consultation Copy

Cabinet Member (Portfolio Holder)

Councillor Steve Charmley

Local Member

Not applicable

Appendices

Appendix 1 – Proposed Gambling Act 2005 Policy Statement, including Appendix A

Appendix 2 – Representations received during the consultation period