

REPORT TO: LICENSING COMMITTEE

DATE: 10 JULY 2018

TITLE: REVIEW OF GAMBLING ACT POLICY

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RECOMMENDED that:

- A** The Licensing Committee approves the issue of the proposed replacement Gambling Act Licensing Policy (attached as Appendix 1) for consultation.
- B** A further report is presented to set out any representations received on the consultation.

BACKGROUND

1. Harlow Council is the local 'Licensing Authority' for the purposes of the Gambling Act 2005 (the Act). The Licensing Authority must publish a Statement of Gambling Act Policy and review the Policy at not less than three-yearly intervals. The Council's current policy was published on 22 February 2016 and is due to be reviewed and republished before 31 January 2019.
2. Under section 25 of the Act the Gambling Commission provides guidance to licensing authorities on how they should discharge their functions and duties. The current 5th edition of the Commission's guidance (GLA 5) was issued in September 2015, with further updates added September 2016.
3. The adoption of the Gambling Act Policy is reserved to Full Council; however it is appropriate that it is considered by the Licensing Committee with a view to a recommendation to Council. The Council is required to consult on the proposed Gambling Act Policy for a 12 week period in accord with the guidance.

PROPOSALS

4. Given the Committee meeting schedule, for Licensing Committee to consider

the proposed replacement policy before its issue for consultation, and to consider any responses before making a recommendation to Council in time for adoption in the statutory timescale, it is necessary that the process is commenced now.

5. It is envisaged that the proposed replacement policy is issued for consultation, with a view to consideration of any representations by a future meeting of the Licensing Committee and adoption by Full Council subject to any amendments considered necessary in time for adoption in January 2019.
6. The proposed replacement policy is attached as Appendix 1 to this report.

ISSUES

7. Revised guidance places an emphasis on operators making local risk assessments; this is reflected in the proposed replacement policy.

IMPLICATIONS

Place (includes Sustainability)

As set out in the report.

Author: **Michael Pitt, Environment and Licensing Manager for Graeme Bloomer, Head of Place**

Finance (Includes ICT)

None specific.

Author: **Simon Freeman, Head of Finance**

Housing

None specific.

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

To follow.

Author: **Jane Greer, Head of Community Wellbeing**

Governance (includes HR)

The Council must have a Gambling Act Policy in place which complies with the revised Guidance. Part of the process is to conduct consultation on the draft Policy. The Council must take into account those representations received when amending for revising the Policy. By conducting a compliant consultation, including ensuring that the consultation response forms will be compliant with the Council's duty under GDPR and Data Protection Act 2018, the Council will reduce the likelihood of legal challenges to the implementation of the updated Policy.

The Council will need to have due regard to its Public Sector Equality Duty under the Equalities Act 2010 when implementing the changes to policy and recommendations for policies to be adopted.

Author: **Amanda Julian on behalf of Colleen O'Boyle, Interim Head of Governance**

Background Papers

The Gambling Commission Guidance to licensing authorities, 5th edition, September 2015: <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>

Glossary of terms/abbreviations used

GLA5: The Gambling Commission Guidance to licensing authorities, 5th edition, September 2015

The Act: The Gambling Act 2005