

**RE-PUBLICATION OF BRAINTREE DISTRICT COUNCIL'S REVISED LICENSING POLICY
STATEMENT IN RESPECT OF THE GAMBLING ACT 2005**

Portfolio Area: Environment
Report Presented by: Mrs Rachel Crouch

Background Papers: Appendix 1 - Braintree District Council Draft Gambling Licensing Policy Statement.

Appendix 2 – Letter of response BBPA.

Corporate Implications: None

Options: Members are requested to recommend to Full Council the re-publication of the revised Gambling Act 2005 Statement of Licensing Policy.

Risks: The principal behind modifying the policy is to minimise any risk of a judicial review from an aggrieved applicant.

Executive Summary

To consider the adoption of the revised Braintree District Council Gambling Licensing Policy Statement in respect of the Gambling Act 2005 following public consultation. To consider all valid representations that have been received during the consultation period from 17th July 2009 to 18th September 2009 and to approve any changes to the revised Policy that are necessary in respect of the response.

Decision

Members are requested to recommend to Full Council the re-publication of the revised Gambling Act 2005 Statement of Licensing Policy.

1. **Background**

1.1 The Gambling Act 2005 places a statutory responsibility on all Local Authorities to be responsible of the issuing of various permissions, permits and notices relating to the use of premises for gambling activities:-

- a) Consideration of applications for premises licenses for:
 - Casinos
 - Bingo premises
 - Betting premises and Race tracks
 - Adult gaming centers
 - Family entertainment centers
- b) Consideration of application for permits for:
 - Gaming machines in alcohol-licensed premises, such as pubs
 - Gaming machines for members clubs
 - Gaming in member clubs
 - Unlicensed family entertainments centers- (category D machines only – i.e. those that have the lowest level of stakes and prizes)
 - Prize gaming
- c) Temporary use notices
- d) Occasional use notices
- d) Provisional Statements
- e) Registration small society lotteries

1.2 Each Authority is legally required to formulate it's own Gambling Licensing Policy Statement which must be reviewed and re-published every three years. The policy must be based on the three licensing objectives, which are;

- a) Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime.
- b) Ensuring that gambling is conducted in a fair an open way
- c) Protecting children and other vulnerable people from being harmed or exploited by gaming

1.3 The re-published policy will then set out the principles that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications for licences made under the Act for the subsequent three years.

1.4 A draft, revised Gambling Licensing Policy Statement, which is based upon the Essex Authorities generic framework, has been completed and was issued for statutory consultation on 17th July 2009.

1.5 During the period from 17th July 2009 and 18th September 2009 the Gambling Licensing Policy Statement was made available for public consultation.

1.6 Letters advising of the consultation were sent to Responsible Authorities, Members and other persons who would have an interest in the Policy:

- Consultation with a range of organisations including faith groups, voluntary and community organisations working with children and young people,

organisations working with people who are problem gamblers, primary care trusts, and advocacy organisations (such as the Citizens Advice Bureau and trade unions);

- Consultation with business who are, or will be, holders of a premises licence;

- 1.7 The Policy was made available for viewing via the Council's website.
- 1.8 Only one response was received from BBPA (Appendix 2).
- 1.9 Members are requested to consider the above and make any amendments to the policy where members may feel appropriate.
- 1.9.1 An adopted policy must be in place prior to January 2010.

Corporate Implications				
Financial:				
Legal:	Failure to adopt a policy in line with the Gambling Act 2005, will result in the council not able to administer the licensing functions under the Gambling Act 2005			
Equalities & Diversity:	Not Applicable			
Customer Impact:	Not Applicable			
Environment & Climate Change:	Not Applicable			
Consultation/Community Engagement:	Not Applicable		Not Applicable	
Key Decision:	Not Applicable			
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