



REPORT OF:	HEAD OF ENVIRONMENTAL HEALTH SERVICES
AUTHOR:	DIANNE MITCHELL
TELEPHONE:	01737 276411
E-MAIL:	di.mitchell@reigate-banstead.gov.uk
TO:	LICENSING COMMITTEE
DATE:	14 SEPTEMBER 2006

AGENDA ITEM NO:	5	WARD(S) AFFECTED:	ALL
------------------------	---	--------------------------	-----

SUBJECT:	GAMBLING ACT 2005: STATEMENT OF POLICY
PURPOSE OF THE REPORT:	TO SEEK COMMENT ON THE PROPOSED STATEMENT OF POLICY.
RECOMMENDATIONS:	
<p>1. That the Committee submit any views for consideration to the Executive as part of the consultation process.</p>	

Background

- On 11 May 2006, the Executive instructed the Director of Policy and Environment to work with the Executive Member for Community Safety and Transport to draft a Statement of Gambling Policy, develop and carry out a programme of statutory consultation, and report back to Executive with a proposed statement.
- The timetable for this work has been agreed as detailed below and the current Draft Statement of Policy is attached at Annexe 1.

Consultation period	6 July to 15 September
Overview and Scrutiny Committee to be consulted	30 August 2006
Licensing Committee to be consulted	14 September 2006
Executive to consider final draft following consultation	9 November 2006
Full Council to adopt policy	7 December 2006
Public notice of intention to publish statement	At least 4 weeks prior to 31 January 2007
Policy to take effect	31 January 2007

- Following the Executive instruction the Director and Executive Member approved the list of people and organisations to be consulted as contained in annexe 2 of the attached draft statement. This list includes the statutory consultees and other consultees as mentioned in the Gambling Commission's Guidance to Licensing Authorities, published in April 2006.

4. Members of this Committee have previously been supplied with coloured copies of the consultation documents, which include an introductory letter and questionnaire. A full colour copy of these documents is available in the Members Room, and copies can also be viewed on the Licensing pages of the Council web site, or through a link on the front page 'The Gambling Act - Consultation'.

Factors for Consideration

6. In order to aid consistency and efficiency, the draft Policy Statement produced follows closely the Surrey template produced by the Surrey Countywide Licensing Forum. This template has in turn been based on the Policy Framework template produced by the Local Authorities Coordinators of Regulatory Services (LACORS- a local government central body providing support to local authority regulatory and related services). LACORS undertook preliminary consultation nationally with a number of trade bodies and incorporated their comments into their version.

7. The following information is contained in the introductory letter to consultees under the heading 'How to read and comment on the Statement of Policy':

the prescriptive nature of the legislation and guidance affords little discretion as to the format and content of the statement. In order to assist the consultation process, the draft document contains a blue typeface in areas where the local authority has discretion, and upon which we would particularly welcome comments. The attached questionnaire (on blue paper) lists these areas and asks specific questions, in addition to any general comments you may wish to make.

The Committee may wish, for the sake of consistency, to respond with their views based on the questionnaire previously provided

8. Section 154 of the Gambling Act 2005 requires the policy to be determined by the authority as a whole, however it does not prohibit consultation with the existing licensing committee who by their position will have a special interest and increased level of expertise in licensing matters. However it must be noted that any views will be considered in exactly the same way as any others, as to give any special status to the opinions of this Committee could be viewed as *ultra vires*.

Resource Implications

9. A letter to Chief Executives from the Department for Culture media and Sport on 21 October 2004 stated;

'Fees for gambling premises licences will be set to recoup the costs of the service provided. Start up costs for the transition to the new regime, will not however, be recoverable through these fees. Money for start-up costs has been included in the Environmental Protective and Cultural services settlement through the Revenue Support Grant for 2004/05 and 2005/06. Start-up costs should include the following;

- (i) Training of existing licensing officers, councillors and administrative staff

- (ii) Staff/recruitment costs (where additional staff are required to fulfil gambling premises licence responsibilities.)
- (iii) Additional software/hardware requirements
- (iv) Transfer of records from Magistrates to authorities
- (v) Producing and consulting on the three year licensing policy statement'

However, there is no evidence to suggest that this Council has received any increase relating to this activity.

Policy Framework

10. The Gambling Act Statement of Policy is a new Council responsibility and will form as a level 2 Policy framework document for the Council.

Background Papers: None