

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Council**

**26th September 2018**

### **Report of the Head of Legal Services – Craig Griffiths**

**Matter for Decision**

**Wards Affected: All**

### **Gambling Act 2005 - Review of Gambling Policy**

#### **Purpose of the Report**

1. To consider the draft revised Gambling Policy prior to consultation.

#### **Executive Summary**

2. The Council, as the Licensing Authority under the provisions of the Gambling Act 2005 is required to review its Gambling Policy every 3 years.
3. Prior to adopting a new Gambling Policy, the Licensing Authority must undertake a mandatory consultation exercise.
4. Council is being asked to consider whether any amendments are required to be made to the revised draft Gambling Policy prior to beginning the consultation exercise.

## **Background**

5. The Council, as the Licensing Authority under the provisions of the Gambling Act 2005 is required to review its Gambling Policy every 3 years.
6. The current Gambling Policy was adopted at Council on the 25th November 2015.
7. The revised Gambling Policy must be issued for consultation and adopted by Council before publication. The Policy must be published at least 4 weeks before it comes into effect on the 31st January 2019.

## **Officer Report**

8. A clean copy of the draft revised Gambling Policy is attached at Appendix 1 to this report and a marked-up copy of the draft revised Gambling Policy showing the changes is attached at Appendix 2; these changes are identified in bold italics and any text to be removed is shown by striking through.
9. The majority of the policy remains unchanged, however where changes have been made this is to reflect revised guidance and codes of practice issued by the Gambling Commission.
10. At the time of adoption of the current Gambling Policy, Council also determined to adopt a "no casino" policy. This decision is also required to be reviewed and will be submitted for determination when the final document is considered.
11. Before a revised Gambling Policy can take effect, the Licensing Authority must carry out a mandatory consultation exercise. The Gambling Act 2005 specifies statutory consultees however it is proposed that in addition to these, a range of interested parties are also consulted with; these are indicated within the revised draft policy at appendix 2.
12. It is considered that the consultation process should be as wide ranging as possible, and allow adequate time for responses to be submitted, following which comments by consultees and any appropriate revisions to the document will be brought back to a meeting of Council for consideration; it is proposed that the consultation exercise lasts for 6 weeks.

13. The revised draft policy was considered by the Licensing and Gambling Acts Committee on the 3rd September 2018 and determined not to make any changes to the revised draft policy prior to its submission to Council.

### **Financial Impact**

14. Not applicable

### **Equality Impact Assessment**

15. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this policy does not require an Equality Impact Assessment.
16. The Council will shortly be replacing Equality Impact Assessments with Integrated Impact Assessments. As such it is envisaged that an Integrated Impact Assessment will be undertaken prior to the final report being considered by Council.

### **Legal Impacts**

17. Section 349 Gambling Act 2005 requires the Council to prepare and publish a statement of the principles that it proposes to apply in exercising its function under the Act, before each successive period of three years.

### **Risk Management**

18. Not applicable

### **Consultation**

19. Consultation will be undertaken within the context set out in this report.

### **Recommendation**

- That members consider whether any amendments are required to the revised draft Gambling Policy
- That members approve the start of the consultation exercise for the revised draft Gambling Policy.

## **Reasons for Proposed Decision**

20. In order to comply with the legal requirements as set out in the Gambling Act 2005

## **Implementation of Decision**

21. The decision is for immediate implementation.

## **Appendices**

22. Appendix 1 - revised draft Gambling Policy 2019 (clean version)
23. Appendix 2 - revised draft Gambling Policy 2019 (showing mark-ups)

## **List of Background Papers**

24. Gambling Commission Guidance
25. Gambling Commission Code of Practice
26. Neath Port Talbot CBC Gambling Policy 2016
27. Equality Impact Screening Assessment

## **Officer Contact**

28. Craig Griffiths  
Head of Legal Services  
Tel (01639) 763767  
Email [c.griffiths2@npt.gov.uk](mailto:c.griffiths2@npt.gov.uk)
29. Neil Chapple  
Licensing Manager  
Tel (01639) 763056  
Email [n.chapple@npt.gov.uk](mailto:n.chapple@npt.gov.uk)