

7 October 2015

Report of	Head of Professional Services	Author	Jon Ruder
Title	Revised Statement of Gambling Licensing Policy		
Wards affected	Not applicable		

This report seeks the Licensing Committee's approval of the draft Gambling Licensing Policy 2016 to 2019 and to agree to the commencement of the formal consultation process. It also sets out the consultation process.

1. Decisions Required

- 1.1 The Licensing Committee is asked to agree the proposed draft Statement of Gambling Licensing Policy to enable the formal consultation process on that draft to begin.
- 1.2 Members are also asked to agree to the proposed consultation process.

2. Reasons for the Decision

- 2.1 Under the Gambling Act 2005, the Council needs to review and readopt a Statement of Gambling Licensing Policy every three years.

3. Alternative Options

- 3.1 There is no alternative option and the Policy must be reviewed and readopted in order to be compliant with current legislation.

4. Supporting Information

- 4.1 The Gambling Act 2005 places a statutory responsibility on all Local Authorities to be responsible for the issuing of various permissions, permits and notices relating to the use of premises for gambling activities.
- 4.2 The Council is required by law to formulate its own Gambling Licensing Policy Statement which must be reviewed and republished every three years. The reviewed policy sets out the principles that the Council, as licensing authority, will generally apply to promote the licensing objectives when making decisions on applications for licences made under the Act for the period the policy is in force.
- 4.3 The Gambling Commission is currently in the process of consulting on its 5th edition of their Guidance to Licensing Authorities. In its bulletin it states that the proposed revisions do not represent a change of policy or approach, but seek to reinforce the tools that enable licensing authorities to regulate gambling at a local level. The introduction refers to the previous Guidance of Licensing Authorities of September 2012 and to the regulatory and legislative changes since this date, which necessitate updates to the guidance. Proposed amendments include those relating to recent changes to the licence conditions and codes of practice; the promotion of local partnership working between

licensing authorities and gambling operators; and to proposed amendments to provide greater clarity on the range of powers afforded to Licensing Authorities to manage local gambling regulation through measures such as their Statements of Licensing Policy.

- 4.4 The Commission highlights the strengthening of the narrative emphasising the role and powers of licensing authorities and their mandate to manage local gambling provision.
- 4.5 In the light of the imminent changes to the Guidance, this draft of the policy contains only the minimum of amendments and no changes to the intent or direction of the policy. Once the updated guidance has been issued by the Gambling Commission a more fundamental review of the Policy will be carried out.

5. Consultation

- 5.1 As no significant changes have been made to the policy a relatively short consultation period is proposed starting on 8 October and ending on 8 November 2015.
- 5.2 Letters advising of the consultation have been sent to the responsible authorities, members and other persons who would have an interest in the policy and to businesses that are, or will be, holders of a premises licence.
- 5.3 At the end of the consultation period the representations received will be considered by the Licensing Committee at its meeting on 26 November and the Committee will be asked to recommend its approval and ratification to full Council on 10 December 2015.

6. Proposals

- 6.1 It is proposed to the Licensing Committee that it should approve the draft Statement of Gambling Licensing Policy presented to it and which is included at Appendix 1.

7. Strategic Plan References

- 7.1 The proposed draft review of the Statement of Licensing Policy attempts to strike a difficult but reasonable and proportionate balance between the different and often competing aspirations of licensed businesses and residents. This Policy recognises the importance of widening the choice and appeal of licensed premises and the development of cultural, social and community activities while at the same time offering reasonable and proportionate protections to local residents, visitors and other non-licensed businesses. The policy is in line with the Council's vision to create a Borough that is vibrant, prosperous, thriving and welcoming.

8. Publicity Considerations

- 8.1 If Members approve the proposed draft Policy, it is intended that this will be the subject of a public consultation as set out in 5.2 and the Policy itself will be available to view and download from the Council's website.

9. Financial Implications

- 9.1 There will be costs associated with sending out the letters of consultation. In addition the updating of the policy will minimise any risk of a judicial review from any aggrieved applicant.

10. Equality, Diversity and Human Rights Implications

- 10.1 The draft revised Statement of Gambling Licensing Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies.

11. Community Safety Implications

- 11.1 The policy deals with the protection of children and vulnerable adults.

12. Health and Safety Implications

- 12.1 There is no known direct public health and safety issues which might arise from the adoption of the draft revised Gambling Licensing Policy. The adoption the Policy for a further 3 years is also a legal requirement under the Gambling Act 2005.

13. Risk Management Implications

- 13.1 A flexible yet robust revised Statement of Gambling Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making and a secure platform from which to promote the licensing objectives as outlined in the Gambling Act 2005.