

Report of	Assistant Director (Environment)	Author	Jon Ruder
Title	Revised Statement of Gambling Licensing Policy 2019-2022		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 The Committee is asked to agree, for the purposes of consultation, the draft Gambling Policy 2019-2022 and to agree to the commencement of the formal consultation process.

2. Recommended Decision

- 2.1 To agree the proposed draft Statement of Gambling Licensing Policy, for the purposes of consultation.
- 2.2 To agree to the proposed consultation process as set out in Paragraph 8 of the report.

3. Reason for Recommended Decision

- 3.1 Under the Gambling Act 2005, the Council needs to review and readopt a Statement of Gambling Licensing Policy every three years. The policy must be in place by 31 January 2019.

4. Alternative Option

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

5. Detailed Considerations

- 5.1 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.
- 5.2 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.
- 5.3 The proposed changes to the Policy are marked in bold on the copy at Annex 1. The most significant changes relate to the requirement for applicant to carry out and review as necessary their local risk assessment. Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the Council's policy statement.

- 5.4 To assist applicants in the completion of risk assessments that Council will be publishing a local area profile (LAP). Whilst the Council is not required to complete a local area profile there are significant benefits for both the licensing authority and operators in having a better awareness of the local area and risks. Risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks.
- 5.5 In creating the LAP the Council is drawing upon the knowledge and expertise of its partner agencies to produce a comprehensive profile of local risks; this will be updated periodically to reflect changes to the local environment landscape. The information is being mapped and will be demonstrated to the Committee at its meeting.
- 5.6 The benefits of the LAP are –
- It enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it.
 - Greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application.
 - It enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge.
 - It encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

6. Equality, Diversity and Human Rights implications

- 6.1 The draft Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies.

7. Strategic Plan References

- 7.1 This Policy aims to contribute to the Council's strategic plan through the efficient and effective regulation of gambling premises thereby ensuring that the local risks identified.

8. Consultation and Publicity Considerations

- 8.1 The Policy will be the subject of a four week consultation. The results of the consultation will be reported to the Committee at its meeting on 14 November before being referred to full Council for consideration and approval on 6 December 2018. Those bodies set out in Paragraph 8 and Annex A of the Policy will be consulted and in addition a copy will be placed on the website and the general public will be invited to comment.

9. Financial Implications

- 9.1 There may be costs incurred in defending any action brought against the Council which seeks to judicially review the policy. However, having consulted it is thought such a challenge is unlikely.

10. Community Safety and Public Health Implications

- 10.1 The Policy, through the creation of the Local Area Profile, identifies local risks including community safety and public health implications.

11. Health and Safety Implications

- 11.1 There is no known direct health and safety issues which might arise from the adoption of the revised Policy.

12. Risk Management Implications

- 12.1 A flexible yet robust revised Policy will continue to provide both the Council with a sound basis for decision making.