

Notice of:	EXECUTIVE
Decision Number:	EX42/2015
Relevant Officer:	Mark Towers, Director of Regulatory and Governance Services
Relevant Cabinet Member:	Councillor Gillian Campbell, Deputy Leader of the Council (Tourism, Economic Growth and Jobs)
Date of Meeting:	2nd November 2015

REVIEW OF STATEMENT OF POLICY- GAMBLING ACT 2005

1.0 Purpose of the report:

- 1.1 To consider the Licensing Committee's recommendation regarding the review of the Council's Statement of Licensing Policy under the Gambling Act 2005.

2.0 Recommendation(s):

- 2.1 To note the two representations received during the period of consultation.
- 2.2 To approve the content of the proposed policy, as amended by the Licensing Committee at its meeting on the 27th October 2015, and recommend it for approval to the Council.

3.0 Reasons for recommendation(s):

- 3.1 The Council is required to have a Statement of Licensing Policy. This policy must be reviewed every three years.
- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council?

No, once approved the revised Statement of Gambling Policy will form part of the Council's policy framework

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None

4.0 Council Priority:

4.1 The relevant Council Priorities are:

Expand and promote our tourism, arts, heritage and cultural offer
Create safer communities and reduce crime and anti-social behaviour

5.0 Background Information

5.1 The Gambling Act 2005 requires the Council as Licensing Authority to prepare and publish every three years a Statement of Policy which outlines the principles it will following in exercising its functions under the Act. The current policy came into effect on 31 January 2013 and is therefore due for review. The revised policy must be published on the Council's website four weeks before it comes into force no later than 3rd January 2016.

5.2 At its meeting on 15th September 2015, the Licensing Committee approved a period of consultation on the statement of policy to take effect on 31st January 2016. Comments on the draft were invited until 23rd October 2015. Two comments have been received and circulated to Executive members under separate cover.

5.3 The Executive will recall that a full review of the policy statement had been delayed pending receipt of updated guidance from the Gambling Commission (this has meant that the policy attached at Appendix 3a is very similar to the current policy agreed in 2013, as a policy needs to be in place to meet the statutory requirements). This guidance has now been received therefore a full review of the policy will take place. A fully revised draft will be brought to the Licensing Committee towards the end of 2015 with a view to conducting a 12 week public consultation.

5.4 The fully revised policy will include the development of a local area profile. The benefits of incorporating such a profile into the revised statement of policy 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.

5.5 The Licensing Committee considered the revised statement of licensing policy at its meeting on the 27th October 2015 along with two representations received one from Coral's and one from Gosschalks on behalf of the Association of British Bookmakers. The recommendation of the Licensing Committee was that the policy be approved as amended.

5.6 Does the information submitted include any exempt information? No

5.7 **List of Appendices:**

Appendix 3a: Draft Policy for consultation

6.0 **Legal considerations:**

6.1 The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a statement of licensing policy every three years. The Act also requires the Council to have regard to the Gambling Commission's Guidance when preparing its statement of policy.

7.0 **Human Resources considerations:**

7.1 There are no Human Resources considerations.

8.0 **Equalities considerations:**

8.1 There are no equalities considerations.

9.0 **Financial considerations:**

9.1 There are no financial implications arising from the recommendations contained in this report. The costs of consultation will be met from the existing Licensing budget.

10.0 **Risk management considerations:**

10.1 To delay the review process without approving a policy to have effect from 31st January 2016 would leave the Council at risk of not having a valid policy framework in the event of an application being made under the Gambling Act 2005.

11.0 Ethical considerations:

11.1 There are no ethical considerations.

12.0 Internal/ External Consultation undertaken:

12.1 Consultation has been undertaken as required by the Gambling Act 2005

13.0 Background papers:

13.1 None

14.0 Key decision information:

14.1 Is this a key decision? Yes

14.2 If so, Forward Plan reference number: 20/2015

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 23rd October 2015 Date approved: N/A

17.0 Declarations of interest (if applicable):

17.1 None

18.0 Executive decision:

18.1 The Executive resolved as follows:

1. To note the two representations received during the period of consultation.
2. To approve the amended content of the proposed policy and recommend it for approval to the Council.

18.2 Date of Decision:

2nd November 2015

19.0 Reason(s) for decision:

The Council is required to have a Statement of Licensing Policy. This policy must be reviewed every three years.

19.1 Date Decision published:

3rd November 2015

20.0 Executive Members in attendance:

20.1 Councillor Blackburn, in the Chair

Councillors Cain, Collett, Jackson, Kirkland, Smith, I Taylor and Mrs Wright

21.0 Call-in:

21.1

22.0 Notes:

- 22.1 The Executive received a updated version Appendix 3a including draft Statement of Gambling Policy as revised by the Licensing Committee at its meeting on the 27th October 2015 and the two representations submitted by Coral's and Gosschalks on behalf of the Association of British Bookmakers.