

<b>Report to:</b>	<b>Licensing Committee</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Service
<b>Date of Meeting</b>	27 <sup>th</sup> October 2015

## REVIEW OF STATEMENT OF POLICY- GAMBLING ACT 2005

### 1.0 Purpose of the report:

- 1.1 To determine the process for reviewing the Council's Statement of Licensing Policy under the Gambling Act 2005

### 2.0 Recommendation(s):

- 2.1 To consider the representations received during the period of consultation
- 2.2 To approve the content of the proposed policy and recommend it for approval to the Executive for recommendation to 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

- 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 3<sup>rd</sup> January 2016.

5.2 At its meeting on 15<sup>th</sup> September 2015, the Licensing Committee approved a period of consultation on the statement of policy to take effect on 31<sup>st</sup> January 2016. Comments on the draft were invited until 23<sup>rd</sup> October 2015. At the time of writing no comments had been received. If any representations are received before the deadline and after the publication of the agenda these will be reported to the meeting.

5.3 The Committee will recall that a full review of the policy statement had been delayed pending receipt of updated guidance from the Gambling Commission. 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 Does the information submitted include any exempt information?

No

**5.6 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 31<sup>st</sup> 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

