



AGENDA ITEM: 5e

**LICENSING & GAMBLING
COMMITTEE: 28 July 2009**

CABINET: 15 September 2009

Report of: Executive Manager Community Services

Relevant Portfolio Holder: Councillor A Fowler

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**SUBJECT: APPROVAL OF REVISED DRAFT STATEMENT OF LICENSING
POLICY UNDER THE GAMBLING ACT 2005**

LG19

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To request that the necessary action is taken in order to consult upon the revised draft Statement of Licensing Policy as required by the Gambling Act 2005 (the Act).

2.0 RECOMMENDATIONS TO LICENSING & GAMBLING COMMITTEE

2.1 That the draft Statement of Licensing Policy be approved.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the draft Statement of Licensing Policy be approved.

3.2 That the Executive Manager Community Services be given delegated authority to publish the draft Statement of Licensing Policy and conduct a period of public consultation prior to returning the final policy for approval before the 31st January 2010.

4.0 BACKGROUND

4.1 In a similar manner to the Licensing Act 2003, the Council acts as Licensing Authority (the Authority) when discharging its functions under the Gambling Act 2005.

4.2 As part of these responsibilities, Section 349 of the Act requires the Authority to produce a Statement of Licensing Policy which sets out the overall approach the Authority will take under the Act. The first such policy was published in January 2007 and given that the Act also requires that Policy Statements be revised every 3 years, it is essential that the necessary steps be taken to ensure the revised Policy Statement is published before the end of January 2010.

5.0 CURRENT POSITION

5.1 In its formal Guidance to Licensing Authorities, issued under Section 25 of the Act, the Gambling Commission recommends that consultation on draft Statements of Licensing Policy last for a minimum of 12 weeks. However, in order to meet Committee deadlines, the consultation period will last for a substantively similar period, i.e. 11 weeks and 5 days.

5.2 Additionally, Section 349(3) of the Act lists the minimum consultees whom all Licensing Authorities must contact. These are:

- Chief Officer of Police for the Licensing Authority's area,
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Authority's area,
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the act.

5.3 This list has been made deliberately wide to enable the Authority to undertake a comprehensive consultation exercise with anyone who may be affected by, or otherwise have an interest in, the Statement of Licensing Policy.

5.4 In a similar manner to the consultation carried out for the Authority's first Policy Statement, it is intended that consultees be contacted directly by letter, requesting their comments on the draft statement. A specific response form will be used and appended to the draft statement for ease of respondents' use.

5.5 In addition, the following activities will be undertaken to ensure increased awareness of the draft statement:

- Regular updates in the local press to draw attention to the draft statement and the need for contributions
- 'Have your say' leaflets distributed to all council offices, police stations and libraries in the District, giving details of the draft statement and where and how comments could be made
- Copies of the draft statement made available at main council offices
- The draft statement will be posted on the Council's website, with specific online forms to receive comments
- The continued use of a dedicated licensing email address to receive comments on the draft statement or other licensing queries
- Presentation of the draft policy to the Council's MALT (Multi Agency Licensing Team)

6.0 ISSUES

- 6.1 The draft Statement of Licensing Policy, which is provided as an appendix to this report, has been compiled using all available legislation and guidance. In order for the Council to function as Licensing Authority, a draft Statement of Licensing Policy must be approved for publication and consultation.
- 6.2 Once the consultation period has been completed, the draft Policy Statement will be amended as appropriate, to take account of the views received. The final version of the Policy Statement will be submitted back to the Licensing and Gambling Committee and Cabinet for approval before publication. The final Policy Statement must be published by the end of January 2010.

7.0 PROPOSALS

- 7.1 In order to meet the requirements of Section 349 of the Gambling Act 2005, the draft Statement of Licensing Policy be approved with respect to the exercise of the Licensing Authority's functions under the Gambling Act 2005.
- 7.2 In order to meet the requirements of Section 349 of the Gambling Act 2005, the Executive Manager Community Services be authorised to publish the draft Statement of Licensing Policy and conduct a period of public consultation prior to returning the amended Statement of Licensing Policy for final approval and publication.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 8.1 This legislation has the potential to impact upon many areas within the Community, particularly upon the leisure time of the public of West Lancashire. The Objectives of the Act, therefore, fit closely with many aspects of the Community Strategy. The proposal has the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D); Health and Social Care (issue A); Culture, Leisure and Sport (issue B).

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 Publication and consultation upon the draft Statement of Licensing Policy will be conducted within existing resources.

10.0 RISK ASSESSMENT

- 10.1 The Council has a legal duty to carry out the functions of the Act; therefore failure to do so is a breach under the Act. Accordingly, there is significant involvement from, and impact upon, statutory bodies, the gambling trade, the public and other interested parties associated with this legislation and its administration. Its implementation links closely with the Corporate Priority Action Plan, as the licensing objectives (under the Act) relate directly to the prevention of gambling

from being a source of crime and disorder, and therefore will be influential to 'combat crime and the fear of crime'.

11.0 CONCLUSIONS

11.1 The authorisations contained in this report are necessary to ensure that the Authority's revised Policy Statement is published correctly. Once the period of public consultation is complete, the amended Policy Statement will be returned for final approval.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Gambling Commission Guidance to Local Authorities: 3rd Edition (May 2009).

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

Appendix 1 – West Lancashire Borough Council: Draft Statement of Licensing Policy