



AGENDA ITEM: 5(d)

**LICENSING & GAMBLING
COMMITTEE:**

8 December 2009

CABINET: 19 January 2009

Report of: Executive Manager Community Services

Relevant Portfolio Holder: Councillor A Fowler

Contact for further information: Paul Charlson (ext. 5246)

**SUBJECT: APPROVAL OF STATEMENT OF LICENSING POLICY REQUIRED
BY THE GAMBLING ACT 2005**

LG15/LM

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To take the necessary action to approve and publish the revised Statement of Licensing Policy, as required by the Gambling Act 2005 (the Act).

2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE

2.1 That the revised Statement of Licensing Policy be approved.

RECOMMENDATIONS TO CABINET

2.2 That the revised Statement of Licensing Policy be approved.

2.3 That the Executive Manager Community Services be given delegated authority to publish and administer the revised Statement of Licensing Policy before the 31st January 2010.

3.0 BACKGROUND

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

3.2 As part of these responsibilities, Section 349 of the Act requires the Authority to produce a Statement of Licensing Policy (the 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.

- 3.3 Members will recall a previous report to Committee that introduced the revised draft Policy and which received Members' approval at that time.

4.0 CURRENT POSITION

- 4.1 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 lasted for a substantively similar period, i.e. 11 weeks and 5 days.

- 4.2 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.

- 4.3 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 Policy.

- 4.4 In a similar manner to the consultation carried out for the Authority's first Policy Statement, consultees were contacted directly by letter, requesting their comments on the draft statement. A specific response form was used and appended to the draft statement for ease of respondents' use.

- 4.5 In addition, the following activities were undertaken to ensure increased awareness of the draft Policy:

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

- 4.6 Responses to the consultation could be received by letter, fax and email as well as through the Council's website.

5.0 ISSUES

- 5.1 The revised Statement of Licensing Policy attached as Appendix 1 to this report has been compiled using all available legislation and guidance and takes account of the views expressed during the consultation period. However, the revised Policy does not differ greatly from the previous version with regard to any broad principle or procedural matters. Rather it provides a more accurate, succinct and practical document that builds upon the experience of Officers, Members, Responsible Authorities and Interested Parties since 2005, and it is hoped will be of greater use to these stakeholders for the next 3 years. A copy of the consultation response analysis is also attached at Appendix 2.
- 5.2 In order for the Council to function as Licensing Authority, the appended revised Statement of Licensing Policy must be approved for publication and use.

6.0 PROPOSALS

- 6.1 In order to meet the requirements of Section 349 of the Gambling Act 2005, the Statement of Licensing Policy be approved by Committee / Cabinet with respect to the exercise of the Licensing Authority's functions under the Gambling Act 2005.
- 6.2 In order to meet the requirements of Section 349 of the Gambling Act 2005, the Executive Manager Community Services be authorised to publish the Statement of Licensing Policy approved by Council / Cabinet prior to the statutory deadline of 31st January 2010.

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 7.1 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).

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 No additional financial or other resources are required.

9.0 RISK ASSESSMENT

- 9.1 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'.

10.0 CONCLUSIONS

10.1 The revised Statement of Licensing Policy will continue to have far reaching implications and aims to reflect the issues that have arisen in the District since the Act came into force. It therefore aims to provide improved guidance for both Officers and elected Members to ensure that decisions are made in a fair and consistent manner, as well as being an invaluable tool for applicants, residents and other occupiers of property and investors, to enable them to make plans to move or invest in the District with confidence.

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: Gambling Act 2005 Statement of Licensing Policy
- Appendix 2: Consultation response analysis