



AGENDA ITEM: 7

**LICENSING & GAMBLING
COMMITTEE: 17 July 2012**

CABINET: 11 September 2012

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor D Sudworth

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

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To approve the draft Statement of Licensing Policy required under Gambling Act 2005 prior to public consultation.

2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE

2.1 That the draft Statement of Licensing Policy attached at Appendix 2 be approved.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the draft Statement of Licensing Policy attached at Appendix 2 be approved.

3.2 That the Assistant Director 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 2013.

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 (the Act).

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 must be reviewed every 3 years. Therefore it is essential that the necessary steps be taken to ensure the current Policy Statement is published before the end of January 2013.

- 4.3 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 6 days.
- 4.4 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.
- 4.5 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.
- 4.6 In a similar manner to the consultations carried out for the Council's previous Policy Statements, 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.
- 4.7 In addition, the following activities will be undertaken to ensure increased awareness of the draft statement:-
- Updates in the local press to draw attention to the draft statement and the need for contributions.
 - 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).

5.0 ISSUES

- 5.1 The draft Statement of Licensing Policy, which is attached at Appendix 2 to this report, has been compiled using all available legislation and guidance. In order for the Council to function as Licensing Authority, the appended draft Statement of Licensing Policy must be approved for publication and consultation.
- 5.2 Once the consultation period has been completed, the draft Policy Statement will be amended 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 2013.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

6.1 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).

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

8.0 RISK ASSESSMENT

8.1 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.

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.

<u>Date</u>	<u>Document</u>
May 2009	Gambling Commission Guidance to Local Authorities: 3 rd Edition

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment
2. Draft Statement of Licensing Policy required under the Gambling Act 2005