



AGENDA ITEM: 6(b)

**LICENSING & GAMBLING
COMMITTEE: 2 JUNE 2015**

CABINET: 16 June 2015

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor K Wright

**Contact for further information: Mr Paul Charlson (Extn 5246)
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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 That the necessary action be taken 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 2016.
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4.0 BACKGROUND

- 4.1 Members will be aware that the Council acts as Licensing Authority (the Authority) when discharging its functions under the Gambling Act 2005 (the Act). As part of these responsibilities, Section 349 of the Act requires the Authority to produce a Statement of Licensing Policy (the Policy) every 3 years. The current Policy came into force on 31 January 2013, and so a revised Policy must be approved and published before the end of January 2016.

5.0 ISSUES

- 5.1 The draft Policy attached at Appendix 2 to this report has been compiled using all available legislation and guidance. Whilst there are no significant policy changes from the previous version, the highlighted changes serve only to improve the clarity of the document.
- 5.2 In order for the Council to function as Licensing Authority, the appended draft Policy must be approved for publication and consultation for a minimum of 12 weeks. Accordingly, if approved, the draft Policy will be subject to public consultation from July 2015 to October 2015 [dates to be specified].
- 5.3 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.
- 5.4 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 draft Policy.
- 5.5 In a similar manner to the consultations carried out for the Council's previous Policies, it is intended that consultees be contacted directly in writing, requesting their comments on the draft statement. A specific response form will be used for ease of respondents' use.
- 5.6 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 Policy and the need for contributions
 - The draft Policy will be posted on the Council's website
 - The continued use of a dedicated licensing email address to receive comments on the draft Policy or other licensing queries
 - Presentation of the draft Policy to the Council's MALT (Multi Agency Licensing Team)

- 5.7 Once the consultation period is complete, the draft Policy will be amended to take account of any views received. The final version of the Policy will be submitted to the Licensing and Gambling Committee (1 December 2015) and Cabinet (12 January 2016) for approval before publication. The final Policy must be published by 31 January 2016.

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 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

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this report.

Equality Impact Assessment

There is a significant 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
3. Minute of Licensing & Gambling Committee 2nd June 2015 (Cabinet only)