



AGENDA ITEM: 8

**LICENSING & GAMBLING
COMMITTEE: 1 DECEMBER
2015**

**COUNCIL: 16 DECEMBER
2015**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor K Wright

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

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

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

2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE

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

3.0 RECOMMENDATIONS TO COUNCIL

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

3.2 That the Assistant Director Community Services be given delegated authority to publish and administer the revised Statement of Licensing Policy.

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). Enforcement of the Act is split between local authorities and the Gambling Commission. 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.

4.2 A draft version of the Policy was approved by the Licensing and Gambling Committee and Cabinet on 2 and 16 June 2015 respectively. The draft Policy contained no significant policy changes from the previous version; the textual changes serving only to improve the clarity of the document and meet the content requirements of statutory Guidance.

4.3 In accordance with relevant legislation, the draft Policy was subject to public consultation between 22 July 2015 and 16 October 2015. Relevant consultees were contacted directly in writing, requesting their comments on the draft statement. In addition, the following activities were undertaken to ensure increased awareness of the draft Policy:

- Updates in the local press to draw attention to the draft Policy and the need for contributions
- The draft Policy 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)

5.0 ISSUES

5.1 No substantive comments were received during the public consultation and so the revised Statement of Licensing Policy attached at Appendix 2 to this report is unchanged from the draft version.

5.2 Final approval of the Policy must be granted by Full Council as the Act prevents this from being delegated to the Licensing and Gambling [or any other] Committee. In order for the Council to function as Licensing Authority under the Act, the revised Statement of Licensing Policy attached at Appendix 2 to this report must be approved for publication and use.

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. Statement of Licensing Policy 2016 required under the Gambling Act 2005
3. Minute of Licensing & Gambling Committee held on 1 December 2015 (Council only)