



AGENDA ITEM: 8

**LICENSING & GAMBLING
COMMITTEE: 11 December
2012**

CABINET: 15 January 2013

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor D Sudworth

**Contact for further information: Mr Paul Charlson (Extn 5246)
(E-mail: paul.charlson@westlancs.gov.uk)**

**SUBJECT: APPROVAL OF 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 following public consultation.

2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE

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

3.0 RECOMMENDATIONS TO CABINET

3.1 That the revised 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 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 Act.

- 4.2 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 must be reviewed every 3 years. Therefore it is essential that the necessary steps be taken to ensure the revised Policy Statement is published before the end of January 2013.
- 4.3 Members will recall a previous report that introduced the revised draft Policy and which received Members' approval at that time.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 In a similar manner to the consultations carried out for the Council's previous Policy Statements, consultees were 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.
- 4.8 In addition, the following activities were undertaken to ensure increased awareness of the draft Policy:
- Issue of a press release 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)
- 4.9 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 2 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. A copy of the consultation response analysis is also attached at Appendix 3.
- 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.
- 5.3 To meet the statutory and Committee deadlines, this report has been written and submitted on the 20 November 2012. Given that the deadline for comments on the draft Policy does not end until the 3 December 2012, any additional comments received during this time will be reported verbally at the meeting of Licensing and Gambling Committee on the 4 December 2012 and an update provided to Cabinet prior to the 15 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 operation of the revised Statement of Licensing Policy will be carried out 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.

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

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 required under the Gambling Act 2005
3. Consultation response analysis

Appendix 1

Equality Impact Assessment - process for services, policies, projects and strategies

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races/ethnicities/nationalities;</i> <i>Men; Women;</i> <i>People of different religions/beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p><i>No. The matters contained in this report are largely of a technical nature, but would apply equally to all licensed operations.</i></p>
2.	<p>What sources of information have you used to come to this decision?</p>	<p><i>Legislation requires that all relevant operations are subject to the licensing process dictated by the Gambling Act 2005.</i></p>
3.	<p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p><i>Details of the amended draft policy contained in this report will be published in a local newspaper, on the Council's website and at the Licensing reception at Robert Hodge Centre. The responses to this consultation will be the subject of future reports.</i></p>
4.	<p>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</p> <p><i>Eliminate discrimination, harassment and victimisation;</i></p> <p><i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of</i></p>	<p><i>The recommendations contained in this report apply only to licensed operations under the Gambling Act 2005, which apply equally to all such operations.</i></p>

<p><i>people);</i></p> <p><i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	
<p>5. What actions will you take to address any issues raised in your answers above?</p>	<p><i>Details of the amended draft policy contained in this report will be published in a local newspaper, on the Council's website and at the Licensing reception at Robert Hodge Centre. The responses to this consultation will be the subject of future reports.</i></p>