



**AGENDA ITEM:**

**LICENSING & GAMBLING  
COMMITTEE:  
5 JUNE 2018**

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**Report of: Director of Leisure and Environment**

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

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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**

- 2.1 That the draft Statement of Licensing Policy attached at Appendix 2 be approved.
- 2.2 That the Director Leisure and Environment 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 3 January 2019.

**3.0 BACKGROUND**

- 3.1 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 2016, and so a revised Policy must be approved and published before 3 January 2019.

**4.0 POLICY CHANGES**

- 4.1 The draft Policy attached at Appendix 2 to this report has been compiled using all available legislation and guidance. All amendments are provided as 'tracked

changes' in order to make any changes easier to identify and also to comply a request from the gambling industry.

- 4.2 The content of the Policy has been revised and reordered to make the document easier to use. The Local Area Profile now forms an Appendix to the Policy, rather than forming part of the body of the document, so it can be updated without the need to revise the entire Policy. Increased emphasis is also placed on safeguarding issues, with new requirements for operators to provide details of relevant issues as a means to help the Council to identify potential local safeguarding issues and address these accordingly.
- 4.3 The Policy also contains a new requirement for Local Risk Assessments (LRAs). This builds on the existing Licensing Conditions and Codes of Practice issued by the Gambling Commission, which formalise the need for operators to consider local risks to the Licensing Objectives posed by the provision of gambling facilities and to operate control measures to mitigate those risks. Accordingly, the Policy sets out the expected content for LRAs and the requirement that operators must hold a copy of the LRA at individual licensed premises. The Policy also requires operators to provide the LRA to the Council with any new or variation application, or when changes in the local environment to the respective premises warrant the LRA to be conducted again.

## **5.0 ISSUES**

- 5.1 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 2018 to September 2018 [dates to be specified].
- 5.2 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.
- 5.3 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 draft Policy.
- 5.4 In a similar manner to the consultations carried out for the Council's previous Policies, it is intended that key consultees be contacted directly in writing, requesting their comments on the draft statement.
- 5.5 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)

5.6 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 and full Council for approval before publication. The final Policy must be published no later than 3 January 2019 in advance of it coming into force on 31 January 2019.

## **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 There are no financial implications associated with this report.

## **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.

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### **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.

None.

### **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 Gambling Act 2005 Statement of Licensing Policy: January 2019

## Appendix 1

# Equality Impact Assessment Form



<b>Directorate: Leisure and Environment</b>		<b>Service: Licensing</b>	
<b>Completed by: Paul Charlson</b>		<b>Date: 23/05/18</b>	
<b>Subject Title: APPROVAL OF DRAFT STATEMENT OF LICENSING POLICY AND AUTHORISATIONS REQUIRED BY THE GAMBLING ACT 2005</b>			
<b>1. DESCRIPTION</b>			
Is a policy or strategy being produced or revised:	Yes	<i>*delete as appropriate</i>	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	No		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No		
Details of the matter under consideration:			
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i></p> <p><i>If you answered <b>No</b> to all the above please complete Section 2</i></p>			
<b>2. RELEVANCE</b>			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes	<i>*delete as appropriate</i>	
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>			
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
<b>3. EVIDENCE COLLECTION</b>			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Licensing Authorities, Responsible Authorities, gambling trade, service users, members of the public.		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public and businesses that use or operate the licences relevant to the draft Policy contained in this report.		

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All sections of the public and businesses that use or operate the licences relevant to the draft Policy contained in this report.
What will the impact of the work being carried out be on usage/the stakeholders?	The draft Policy will be subject to consultation and the responses will help shape the final document for approval and use.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The draft Policy will be subject to consultation and the responses will help shape the final document for approval and use.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The draft Policy will be subject to consultation and the responses will help shape the final document for approval and use.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions.  <i>If no actions are planned state no actions</i>

## 7. MONITORING AND REVIEWING

When will this assessment be reviewed and who will review it?

The draft Policy will be subject to consultation and the responses will help shape the final document for approval and use. The review of this assessment will form part of the report to Members at that time.

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