



**LICENSING & GAMBLING
COMMITTEE:
7 DECEMBER 2021**

**COUNCIL:
15 DECEMBER 2021**

Report of: Head of Housing and Regulatory Services

Relevant Portfolio Holder: Councillor G Dowling

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**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 That the necessary action be taken to approve the Statement of Licensing Policy required under Gambling Act 2005.

2.0 RECOMMENDATIONS THE 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 Corporate Director of Place and Community be given delegated authority to publish and administer the 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). 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 2019, and so a revised Policy must be approved and published before 3 January 2022.

- 4.2 A draft version of the Policy was approved by the Licensing and Gambling Committee on 1 June 2021. As much of the available legislation and guidance remains unchanged since the previous revision of the Policy, there were only limited proposed changes to draft Policy, all of which are provided as 'tracked changes' to make such amendments easier to identify.
- 4.3 As with the previous version, the Local Area Profile 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 remains on safeguarding issues with requirements for operators to provide details of relevant issues as a means to help the Council to identify potential local safeguarding problems and address these accordingly.
- 4.4 The Policy retains the requirement for Local Risk Assessments (LRAs), which build on the existing Licensing Conditions and Codes of Practice issued by the Gambling Commission, and 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.
- 4.5 In accordance with relevant legislation, the draft Policy was subject to public consultation between 16 August 2021 and 8 November 2021. Relevant statutory 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 media to draw attention to the draft Policy and the need for contributions;
 - The draft Policy posted on the Council's website, including dedicated consultation questionnaire and response page;
 - Presentation of the draft Policy to the Council's MALT (Multi Agency Licensing Team).

5.0 ISSUES

- 5.1 Given the limited amendments to the Policy, only 1 comment has been received. This comment gave no detailed information other than to indicate support for the Policy as being:
- strong enough to prevent betting shops and other gambling premises being used as a source of crime
 - effective in encouraging fairness and openness in gambling premises
 - sufficient to help protect children and vulnerable people from harm
- 5.2 No further changes are therefore proposed to the draft document approved by the Licensing and Gambling Committee on 1 June 2021.

5.3 Final approval of the Policy must be granted by 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. The final Policy must be published no later than 3 January 2022 in advance of it coming into force on 31 January 2022.

6.0 SUSTAINABILITY IMPLICATIONS

6.1 The legislation and policy has the potential to impact upon many areas within the Community, particularly upon the leisure time of the public of West Lancashire. They also serve as a means to address crime or the fear of crime through the focus on any potential offences associated with regulated activities under the Act.

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.

9.0 HEALTH AND WELLBEING IMPLICATIONS

9.1 Gambling is a legitimate leisure activity that many people enjoy. However, the controls contained in the legislation and policy are needed to balance this against the wider negative impacts that problem gambling can create. This includes direct links to poverty, ill health, adverse family relationships, and the psychological and social impact on the vulnerable and/or children.

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. Gambling Act 2005 Statement of Licensing Policy: January 2022

Appendix 1

Equality Impact Assessment Form



Directorate: Leisure and Environment		Service: Licensing	
Completed by: Paul Charlson		Date: 01/11/21	
Subject Title: APPROVAL OF STATEMENT OF LICENSING POLICY AND AUTHORISATIONS REQUIRED BY THE GAMBLING ACT 2005			
1. DESCRIPTION			
Is a policy or strategy being produced or revised:	*delete as appropriate		
	Yes		
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 (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No		
Details of the matter under consideration:			
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>			
2. RELEVANCE			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	*delete as appropriate		
	Yes		
If Yes , 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 No 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>			
3. EVIDENCE COLLECTION			
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, and 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	All sections of the public and businesses that use or operate the licences relevant to the Policy contained in this report.		

others)?	
Which of the protected characteristics are most relevant to the work being carried out? Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	<i>*delete as appropriate</i> No No No No No No No No No No
4. DATA ANALYSIS	
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 Policy contained in this report.
What will the impact of the work being carried out be on usage/the stakeholders?	The draft Policy has been subject to consultation and the responses have been considered in compiling the final document.
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 has been subject to consultation and the responses have been considered in compiling the final document.
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 has been subject to consultation and the responses have been considered in compiling the final document.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
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 Gambling Act requires that the Policy be reviewed every 3 years. This assessment will be reviewed at that time.