

LICENSING COMMITTEE: 3 November 2015

Report of the Head of Regulatory Services

REVIEW OF STATEMENT OF GAMBLING LICENSING POLICY

1. Background

- 1.1 Under the Gambling Act 2005 every Licensing Authority has to publish a Statement of Licensing Policy which sets out the principles that it proposes to apply in exercising its functions under the Act. The statement must be determined for a three year period in consultation with:
- The Chief Officer of Police
 - 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 Gambling Act 2005
- 1.2 A Statement of Gambling Licensing Policy was adopted and published in January 2013. The Gambling Commission has provided guidance to local authorities on what Statements of gambling licensing policies should contain and this has been relied upon in reviewing the existing policy statement.
- 1.3 This report is to request the approval of the Committee of an amended Statement of Gambling Licensing Policy following a review of the policy. A copy of the amended Statement of Gambling Licensing Policy is attached as Appendix A.

2. Preparation of the Amended Licensing Policy Statement

- 2.1 Section 349 of the Gambling Act requires a licensing authority to prepare before each successive period of three years, a statement of the principles that they propose to apply in exercising their functions under the Act during that period.
- 2.2 Under Section 154 of the Act the licensing authority (ie the full Council) must approve the policy and may not delegate this to its Licensing Committee.
- 2.3 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 came into force on 31 March 2006 and set out the requirements on licensing authorities as to the form and publication of the Statement of Gambling Licensing Policy.

- 2.4 Section 25 of the Act requires the Gambling Commission to produce guidance to local authorities on the manner in which they are to exercise their functions under the Act. Licensing Authorities must have regard to this guidance which was last published by the Gambling Commission in September 2015. The guidance has been relied upon extensively in reviewing the Statement of Gambling Licensing Policy.
- 2.5 The responsible authorities and those stakeholders and organisation which are listed in Appendix C of the Draft Policy have been consulted directly on the policy as have all those who hold a licence. A public consultation exercise was carried out requesting views on the existing policy. Details of the responses received are shown in Appendix B of this report.
- 2.6 As a result of the consultation responses, the wording of Section 4.8 has been amended to make the considerations for risk assessments less prescriptive.

3. Achievability

This report contains no equality, personnel or property implications. Implementation of the legislation, if approved, will have personnel and financial implications which will need to be considered at that time.

4. Legal Implications

- 4.1 The Gambling Act 2005 places a statutory requirement on licensing authorities to issue a Statement of Gambling Licensing Policy. The full Council is required to approve the Policy for publication.

5. Financial Implications

- 5.1 This report does not result directly in any additional financial implications. The cost of providing the licensing service is met from income from licence fees and charges which are reviewed annually to ensure the service continues to be provided at no cost to the authority.

6. Recommendation

It is recommended that the Committee endorse the amended Statement of Gambling Licensing Policy and approve it for ratification by the Council.

Dave Holland
HEAD OF REGULATORY SERVICES

22 October 2015

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers:

1. The Gambling Act 2005 and associated Regulations.
2. Gambling Commission Guidance to Local Authorities.