

Licensing & Regulatory Committee

16 January 2024

Report from the Director – Environment, Transport and Planning

Licensing Act 2003 & Gambling Act 2005 – Statements of Licensing Policies

Summary

1. This report advises Members that a formal review of the ‘Statement of Licensing Policy’ with regards to the Gambling Act 2005 (the 2005 Act) must be undertaken during 2024.
2. It also advises Members that a formal review of the ‘Cumulative Impact Assessment’ (CIA), which forms part of ‘Statement of Licensing Policy’ with regards to the Licensing Act 2003 (the 2003 Act) must be undertaken during 2024. As the CIA forms part of the Policy, the Policy will also be reviewed.

Recommendations

3. Members are asked to determine if Members would like to be involved in working groups with regards to the review of both Policies and the Cumulative Impact Assessment.

Reason: To make sure the Policies and Cumulative Impact Assessment are reviewed and published in accordance with the requirements of the Gambling Act 2005 and Licensing Act 2003.

Background

Statement of Licensing Policy – Gambling Act 2005

4. Section 349 of the 2005 Act requires licensing authorities to determine and publish a Statement of Licensing Policy at least every three years. The Council’s current Policy was approved by Council on the 9 December 2021 and published on 10 January 2022.
5. The Council must therefore review the Policy, undertaken a formal consultation, making sure that the revised Policy is agreed by

Members of this Committee, approved by Council and published by the 10 January 2025.

6. The 5th edition of the Gambling Commissions Guidance to Licensing Authorities, published in September 2015, recommended that licensing authorities complete their own assessment of the local environment as a means of 'mapping out' the key characteristics of the local area. The Guidance refers to such an assessment as a Local Area Profile. The Business Intelligence Hub, on behalf of the licensing authority, produced a Profile in October 2021, this Profile was published in January 2022. The Business Intelligence Hub will be asked to review the Profile this year.
7. A link to the Policy and Profile can be found below.

Cumulative Impact Assessment & Statement of Licensing Policy – Licensing Act 2003

8. Section 5 of the 2003 Act requires licensing authorities to determine and publish a Statement of Licensing Policy at least once every five years. Section 5A of the 2003 Act (as amended by the Police and Crime Act 2017) provides that a licensing authority may, in appropriate circumstances, publish a cumulative impact assessment (CIA). A CIA must set out the evidence for the authority's opinion and must be reviewed at least every three years. The Councils current CIA and Policy were approved by Council and published in March 2022.
9. The CIA forms part of the Policy, therefore by reviewing the CIA the Policy must also be reviewed. The Council must therefore review the CIA and Policy, undertake a formal consultation on both documents, making sure that the revised Policy is agreed by Members of this Committee, approved by Council and published by the end of March 2025.
10. A link to the Policy and CIA can be found below.

Consultation

11. A formal consultation has not taken place. Formal consultations will take place following the review of both Policies and the CIA.

Options

12. Option 1 – Determine that Members of the Committee will be part of the working groups that review both Policies and the CIA. Members

expressing an interest with regards to which working group they would like to be part of.

13. Option 2 – Determine that Members will not be part of the working groups.

Analysis

14. A separate working group will be established for each Policy. Each group will be made up of representatives of responsible authorities (if they would like to take part), representatives of relevant Council sections and partner agencies.
15. A proposed timetable for the review of the Policies and CIA can be found at Annex 1.

Council Priorities

16. By complying with the requirements of the 2003 and 2005 Acts the Council are supporting new and existing licence trade, as well as residents and businesses. The functions support the Council's Plan 'One City, for all'.

Implications

17. The implications arising from this report are:
 - **Financial:** There are no financial implications associated with this report.
 - **Human Resources:** There are no Human Resources implications associated with this report.
 - **Equalities:** An Equalities Impact Assessment will be completed with regards to each Policy, and will be included with the reports brought to this Committee for consideration of both reviewed Policies and the CIA.
 - **Legal:** As stated in paragraphs 4 and 8 above, it is a legal requirement of the 2005 and 2003 Acts that the Policies and the CIA are reviewed. Failure to comply with these requirements could result in the Council being unable to fulfil its legal duty as the licensing authority and the Council could be legally challenged by way of a judicial review.

- **Crime and Disorder:** There are no crime and disorder implications. The Policy with regards to the 2005 Act promotes the licensing objective:

‘preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.’

The Policy and CIA with regards to the 2003 Act promotes the licensing objective:

‘the prevention of crime and disorder.’

- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

Risk Management

18. There are no known risks associated with this report. Legal action could be taken against the Council if it fails to comply with the requirements of the 2003 or 2005 Acts.

Contact Details

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Report
Approved



Date 04/01/2024

Specialist Officer Implications: None

Wards Affected:

All



Background Papers:

Licensing Act 2003 - [Licensing Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

Gambling Act 2005 - [Gambling Act 2005 \(legislation.gov.uk\)](https://legislation.gov.uk)

Statement of Licensing Policy and Local Area Profile - [Gambling Act 2005 – City of York Council](#)

Statement of Licensing Policy and CIA - [York's licensing policy – City of York Council](#)

Annexes

Annex 1: Proposed Timetable