

Report from the Assistant Director – Housing and Community Safety

Statement of Licensing Policy – Gambling Act 2005

Summary

1. This report advises members of the review of the councils statement of licensing policy (policy), the consultation undertaken and changes made as a result of the consultation and revised guidance.
2. The report seeks a recommendation to full council that the policy be approved.

Background

3. Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to determine and publish a policy every three years. The current policy expires on 31 January 2016.
4. A new policy must be approved by full council and be published before the 31 January 2016.
5. Earlier this year the Gambling Commission (GC) consulted on the 5th edition of its Guidance to Licensing Authority. The Guidance was published on 29 September 2015.
6. As the formal consultation of the revised policy had to take place before the GC Guidance was published, a number of revisions had to be made. The policy does still make reference to the Guidance, however references to specific paragraph numbers have been removed, for example previous policies have made references such as ‘as per para 7.24 Guidance to Licensing Authorities’. It was determined that these revisions were required so that the policy did not make incorrect references to Guidance.
7. The layout of the policy has been revised. The licensing objectives have been removed from Part A of the policy, they are now included in more detail in Part B.
8. References are made to the GC Code of Practice and Licence Conditions and Codes of Practice (LCCP), which was published in February 2015.

9. From the 6 April 2016 it is a requirement of the GC LCCP, under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises. This requirement has been included within Part C, paragraphs 12.14 – 12.17 of the revised policy.
10. Attached at Annex1 is the revised policy which has also been updated following comments received during the consultation.

Consultation

11. A consultation took place from 6 July to 28 September 2015. A full list of consultees can be found at Annex A of the revised policy, they include:
 - Premises currently licensed
 - Responsible Authorities
 - Bodies representing the gambling industry
 - Bodies representing business in York
 - Bodies representing residents of York
 - Bodies representing people with gambling problems
12. Six responses were received to the consultation from:
 - Wheldrake Parish Council
 - North Yorkshire Police
 - Luxury Leisure
 - The Racecourse Association Limited
 - Gosschalk Solicitors on behalf of the Association of British Bookmakers
 - Coral
13. The police and trade are in support of the revised policy. The main comments from the trade related to how the policy may affect how their current licensed premises operate. Where appropriate/relevant their responses have been taken into consideration and the policy has been revised accordingly, these include:
 - Reference to the fact that the council recognises that it is subject to the requirements of the Regulators' Code.
 - Removal of references to condition that the licensing authority could impose if these conditions are a requirement of the LCCP.
 - Details relating to the gaming machine entitlements at premises that hold premises licences.

Options

14. Option 1 – approve the revised policy.

15. Option 2 – amended the revised policy.

Analysis

16. The council's first policy was published in January 2007. The policy has been fully reviewed and published on a further two occasions, January 2010 and January 2013.

17. There are currently 34 premises licences in force, which authorise the following licensable functions:

- 2 bingo premises
- 1 betting premises (track)
- 29 betting premises (other) – bookmakers
- 2 adult gaming centres

18. There are currently 198 premises that hold authorisations that allow the provision of gaming machine on the premises.

Council Priorities

19. The implementation of this policy will support the Council's priority for a prosperous city for all, by helping and supporting business to trade safely.

Implications

20. The direct implications arising from this report are:

(a) **Financial** - There are no financial implications.

(b) **Human Resources (HR)** - There are no HR implications.

(c) **Equalities** – There are no equalities implications.

(d) **Legal** – It is a legal requirement of the Gambling Act 2005 that the Council is required to publish a statement of licensing policy every three years. Failure to do so would result in the Licensing Authority being unable to discharge its legal duty under the Act.

(e) **Crime and Disorder** – There are no direct crime and disorder implications. However, in exercising its function under the Act the council must have regard to the licensing objections. Licence and permit holders must also have regard to the objectives.

(f) **Information Technology (IT)** - There are no IT implications.

(g) **Property** - There are no property implications.

(h) **Other** - There are no other implications.

Risk Management

21. There are no known risks associated with this report.

Recommendations

22. Members are asked to approve option 1 and recommend to full council that the policy be adopted.

Reason: To meet legislative requirements.

Contact Details

Author:		Chief Officer Responsible for the report:		
Lesley Cooke Licensing Manager 01904 551515		Steve Waddington Assistant Director – Housing and Community Safety		
		Report Approved	√	Date 13 th October 2015
Specialist Implications Officer(s) Glen McCusker Head of Legal Services Ext: 1048				
Wards Affected:			All	√
For further information please contact the author of the report				

Back ground papers

Gambling Act 2005

Gambling Commissions Guidance to licensing authorities 5th edition

Annexes

Annex 1 - Statement of Licensing Policy (Gambling)