

Gambling, Licensing & Regulatory Committee 6 November 2018

Report from the Assistant Director – Planning and Public Protection

Gambling Act 2005 – Statement of Licensing Policy

Summary

1. This report advises Members of the review of the Councils Statement of Licensing 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.
3. The report also seeks permission to publish a Local Area Profile.

Recommendations

4. That Members approve Option 1 and recommend to Full Council that the Policy be adopted, and authorise officers to publish the Local Area Profile.

Reason: To meet the legislative requirements of the Gambling Act 2005.

Background

5. Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to determine and publish a Statement of Licensing Policy (Policy), every three years. The Council's current Policy was approved by Full Council on the 17 December 2015 and published on 8 January 2016, the currently Policy can be found at Annex 1. The revised Policy can be found at Annex 2.
6. A revised policy must be approved by Full council and be published by the 8 January 2019.

7. The Council's first policy was published in January 2007. This Policy has been fully reviewed and published on a further three occasions, January 2010, January 2013 and January 2016.

Local Area Profile

8. 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 (profile).
9. An effective profile is likely to take account of a wide range of factors, data and information held by the licensing authority and its partners. Good profiles will increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks.
10. A profile has been produced by the Business Intelligence Hub on behalf of the licensing authority. The profile can be found at Annex 3.

Consultation

11. A consultation took place from 14 May to 12 August 2018. A full list of consultees can be found at Annex 4.
12. Three responses were received to the consultation from:
 - Gamcare
 - North Yorkshire Police
 - Gosschalk Solicitors on behalf of the Association of British Bookmakers
13. The consultation responses have been taken into consideration and the Policy revised according. The full details of the responses and the action taken can be found at Annex 5.

Options

14. Option 1 – approve the revised Policy and make a recommend to Full Council that the Policy is adopted. Authorise officers to publish the profile.

15. Option 2 – amend the revised Policy and make a recommend to Full Council that the Policy is adopted. Authorise officers to publish the profile.

Analysis

16. Revisions made to the Policy relate to relevant changes in legislation and responses to the consultation.

Current Licences and Permits in Force

17. There are currently 30 premises licences in force, which authorise the following licensable functions:
 - 1 adult gaming centre
 - 2 bingo premises
 - 1 betting premises (track)
 - 26 betting premises (other) – bookmakers
18. There are currently 180 premises that hold authorisations that allow the provision of gaming machines on the premises.

Council Priorities

19. The implementation of a Licensing Policy will support the Council's plan of a prosperous city for all, where local businesses can thrive and a council that listens to residents.

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 objectives. 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.

Contact Details

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Report Approved		√	Date	29/10/18
Specialist Implications Officer(s)				
Wards Affected:			All	√
For further information please contact the author of the report				

Background papers

Gambling Act 2005

<https://www.legislation.gov.uk/ukpga/2005/19/contents>

Gambling Commission – Guidance to licensing authorities

<https://www.gamblingcommission.gov.uk/home.aspx>

Annexes

Annex 1 – Statement of Licensing Policy 2016

Annex 2 – Revised Statement of Licensing Policy 2019

- Annex 3** – Local Area Profile
- Annex 4** – List of Consultees
- Annex 5** – Consultation Responses