

**Gambling, Licensing & Regulatory Committee** 19 November 2012

Report from the Assistant Director – Housing and Public Protection

**Statement of Licensing Policy – Gambling Act 2005**

**Summary**

1. This report advises members of the review of the councils statement of licensing policy, of the consultation undertaken and of the changes made as a result of the consultation and revised guidance. Members are asked to recommend the revised policy to full council for approval.

**Background**

2. Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to determine and publish a statement of licensing policy every 3 years. The current policy expires on 31 January 2013.
3. A new statement of licensing policy must be approved by full council and be published before 31 January 2013.
4. Attached at Annex 1 is the revised policy which has been updated following comments received during the consultation and the receipt of revised guidance issued by the Gambling Commission. A full copy of the guidance can be found at: [http://www.gamblingcommission.gov.uk/publications\\_guidance\\_advic.aspx](http://www.gamblingcommission.gov.uk/publications_guidance_advic.aspx). To assist members the changes have been highlighted in *italics*.

**Consultation**

5. Consultation has been carried out in accordance with the Act and guidance. It commenced on the 2 July 2012 and finished on the 28 September 2012. A list of consultees is attached at Annex 2.

6. A table showing the comments received and the action taken by officers is attached at Annex 3.

## **Options**

7. Members have the following options:
8. Option 1 – approve the revised draft policy.
9. Option 2 – amend the revised draft policy.

## **Analysis**

10. The Act and guidance does not allow licensing authorities much discretion in the content of their policies. Where discretion does exist the revised policy replicates the decisions made by members when adopting previous policies on the basis that no problems have been encountered in implementing those policies.

## **Council Priorities**

11. A statement of licensing policy supports the council priority to 'protect vulnerable people', by promoting the licensing objective "protecting children and other vulnerable persons from being harmed or exploited by gambling".

## **Implications**

- 12.

### **Financial**

There are not financial implications.

### **Human Resources (HR)**

There are no HR implications.

### **Equalities**

There are no equalities implications.

### **Legal**

The council is required to publish a new statement of licensing policy before 31 January 2013 to comply with the requirements of the Gambling act 2005. Failure to do so would result in the

licensing authority being unable to discharge its legal obligations under the Act.

**Crime and Disorder**

There are no crime and disorder implications.

**Information Technology (IT)**

There are no IT implications.

**Property**

There are no property implications.

**Other**

There are no other implications.

**Risk Management**

13. A new statement of licensing policy must be in place before the 31 January 2013. Without such a policy the council will be in breach of the statutory requirements of the Act.

**Recommendations**

14. Members are asked to approve option 1 and recommend the policy for approval by full council on 13 December 2012.

**Contact Details**

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	<b>Report Approved</b>	√	<b>Date</b> 12/11/12
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<b>Wards Affected:</b>			<b>All</b> √

<b>For further information please contact the author of the report</b>	

## **Annexes**

- Annex 1** – Revised Statement of Licensing Policy
- Annex 2** – List of consultees
- Annex 3** – Comments received