

# LICENSING ACT COMMITTEE

## GAMBLING ACT 2005 REVIEW OF STATEMENT OF GAMBLING LICENSING POLICY 2010 – 2013

26<sup>th</sup> NOVEMBER, 2009

### Report of Licensing Manager

#### PURPOSE OF REPORT

The report is to inform Members of the outcome of the consultation on the review of the Council's Statement of Licensing Policy, and to seek Members' views on the revised draft.

**This report is public.**

#### Recommendations

**Members are requested to note the report and to determine whether they wish to make any further amendments to the attached revised draft Statement of Gambling Licensing Policy prior to referral to Council for approval on 16 December 2009.**

#### 1.0 Report

- 1.1 Section 349 of the Gambling Act 2005 provides that each licensing authority shall before each successive period of three years, prepare a statement of the principles that they propose to apply in exercising their functions under the Act during that period, and, publish that statement.
- 1.2 In January 2007, during the transitional period leading up to the full implementation of the Gambling Act 2005, this Council established its first Statement of Gambling Licensing Policy in preparation for receiving applications for premises licences and permits in September of that year.
- 1.3 The Act provides that before determining the policy a Licensing Authority must consult with:-
  - The Chief Officer of Police for the area
  - 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 2005

1.4 Consultation on a revised draft Statement of Gambling Licensing Policy was held from 27 July 2009 until 19 October 2009. In addition to the statutory requirements regarding consultation as outlined above, the following steps were taken to ensure the consultation has been as effective as possible:-

- A press release was issued regarding the consultation process
- The revised draft Statement of Gambling Licensing Policy was made available on the council's website
- Copies of the above document were made available at the council's offices

1.5 No responses were received to the consultation on the review of the Statement of Gambling Licensing Policy. However, during the consultation period the Licensing Manager became aware of the need to make certain minor changes to the wording of paragraph 9.8 (premises ready for gambling). Therefore, apart from the above change the revised draft policy attached at Appendix 1 is the same one as that considered by the committee at its previous meeting held on 8 October 2009.

1.6 At the above meeting, members requested that further reports regarding the gambling policy review should have appended a copy of the revised draft policy showing the proposed amendments made to the existing policy. The revised draft policy attached at Appendix 1 therefore shows the proposed amendments underlined. Also, for further clarity the above amendment made by the Licensing Manager to paragraph 9.8 has been highlighted in bold in the revised version.

## 2.0 Conclusion

2.1 Members are requested to consider the revised draft Statement of Gambling Licensing Policy and decide whether to make any further amendments to the document prior to referral to Council for approval on 16 December 2009.

### **CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support to crime is one of the statutory licensing objectives, and this is reflected in the draft Policy, as is the requirement that all cases should be considered on their individual merits.

### **FINANCIAL IMPLICATIONS**

The publication of the Statement of Licensing Policy is statutory requirement and has no direct financial implications for the Council.

### **LEGAL IMPLICATIONS**

The report has been prepared on behalf of the Head of Legal and Human Resources, and the Council's statutory obligations as Licensing Authority are reflected in the report.

**BACKGROUND PAPERS**

None.

**Contact Officer:** Mr. S. Wearing**Telephone:** 01524 5822317**E-mail:** [swearing@lancaster.gov.uk](mailto:swearing@lancaster.gov.uk)**Ref:** SW