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**Report to:** Licensing & Regulatory Committee Council      **Date of Meeting:** 24<sup>th</sup> September 2012  
22<sup>nd</sup> November 2012

**Subject:** Final Draft Revised Statement of Gambling Licensing Policy – Gambling Act 2005

**Report of:** Director of Built Environment      **Wards Affected:** All

**Is this a Key Decision?** No      **Is it included in the Forward Plan?**  
No

**Exempt/Confidential** No

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### **Purpose/Summary**

To seek Council approval of the revised Statement of Gambling Licensing Policy

### **Recommendation(s)**

That the Licensing and Regulatory Committee:

- i) Consider and agree the final draft of the revised Statement of Gambling Licensing Policy
- ii) Refer the agreed revised Statement of Gambling Licensing Policy to full Council for approval.

That Council approve the revised Statement of Gambling Licensing Policy

### **How does the decision contribute to the Council's Corporate Objectives?**

	<b><u>Corporate Objective</u></b>	<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

**Reasons for the Recommendation:**

To enable the timely revision of the Statement of Gambling Licensing Policy.

**What will it cost and how will it be financed?**

(A) Revenue Costs N/A

(B) Capital Costs N/A

**Implications:**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b>	The Head of Corporate Legal Services ( <b>LD1079/12</b> ) has been consulted and has no comments to add.
<b>Finance</b>	The Head of Corporate Finance and ICT has no comments on this report because the contents of the report have no financial implications. <b>FD1716/12</b>
<b>Human Resources</b>	None.
<b>Equality</b>	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact on Service Delivery:**

None.

**What consultations have taken place on the proposals and when?**

The consultation was approved by the Sefton Public Engagement and Consultation Standards Panel on 18th November 2011 and took place between 1<sup>st</sup> May 2012 and 23<sup>rd</sup> July 2012.

**Are there any other options available for consideration?**

Publication of the Statement is a legal obligation and therefore there are no alternative options.

**Implementation Date for the Decision**

Immediately following the Council Meeting.

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**Background Papers:**

- The Gambling Act 2005.
- Guidance issued under Section 25 of the Gambling Act 2005 by the Gambling Commission – May 2009.
- Existing Statement of Gambling Licensing Policy.
- Statutory Instrument 636 / 2006 - *The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.*
- Statutory Instrument 637 / 2006 - *The Gambling Act 2005 (Licensing Authority Policy Statement) (First Appointment Day) Order 2006.*
- Project proposal to Sefton Public Engagement and Consultation Standards Panel, 18th November 2011 - *Revision of Statement of Gambling Licensing Policy.*

## 1. Background

- 1.1 Members will recall that Section 349 of the Gambling Act 2005 (“the GA05”) requires that all licensing authorities prepare and publish a statement of the principles that they propose to apply in exercising their functions under the GA05 during the three-year period to which the policy applies. A licensing policy statement will last for a maximum of three years, but can be reviewed and revised by an authority at any time.
- 1.2 The existing Policy has been kept under review since coming into force on 31st January 2010 and no revision has been deemed necessary to date. However, the Policy will require revising during 2012 in order for it to take effect from 31st January 2013 (when the new three year cycle will commence).
- 1.3 Section 349 (3) of the GA05 requires that the Licensing Authority consult the following on the Policy (or any subsequent revision):
  - The chief officer of police for the Authority's 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; and,
  - 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 this Act.
- 1.4 The views of the above have to be given appropriate weight when the Policy is being determined.
- 1.5 In addition to the above, the Authority must also have regard to Guidance issued under Section 25 of the GA05 by the Gambling Commission.
- 1.6 Members will also recall that at their Meeting on 21<sup>st</sup> November 2011 they endorsed the timetable for the production of the revised Policy, the details of which can be summarised as follows:

### March 2012

- First draft presented to Members for comment.
- Agree revised draft for outside consultation.

### May/July 2012

- Outside consultations to take place.
- Revise Policy (as necessary) as a result of consultations.

### August/September 2012

- Present updated Policy to Licensing & Regulatory Committee for comments and any final amendments.
- Submit to full Council for agreement.

October/November 2012

- Publish revised Policy (to come into effect from 31st January 2013 it has to be published no later than 31<sup>st</sup> December 2012).

## **2.0 The revised Statement of Gambling Licensing Policy**

2.1 The consultation took place between 1<sup>st</sup> May 2012 and 23<sup>rd</sup> July 2012. A full list of responses to the consultation exercise, together with the officer appraisal of those responses, is provided at Annex 1 to this report.

2.2 Further amendments have been made to the Policy, these being additional to those outlined within the Report to Members on 12<sup>th</sup> March 2012, and these are indicated below.

2.3 Paragraph 1.13 changed to reflect amended figures from the new 2011 Census, to now read:

*Sefton has a resident population of 273,800 (2011 census) and has a high proportion of retired people, widowed people and long term unemployed when compared with the rest of England and Wales.*

2.4 As a result of alterations to the Gambling Commission Guidance, Paragraph 2.31 changed, to now read:

*The Act states that Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is restricted to bridge and whist. A members’ club must be permanent in nature, not be established to make commercial profit and be controlled by its members equally; there is no need for a club to have an alcohol licence. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.*

2.5 A copy of the Final Draft Statement of Gambling Licensing Policy can be accessed via the Council’s Web Library via the below link:

<http://sb1msgov1:9070/ecSDDisplay.aspx?NAME=SD1152&ID=1152&RPID=6617810&sch=doc&cat=13378&path=13378>