

Report to:	Licensing and Regulatory Committee Council	Date of Meeting:	Monday 25 June 2018 Thursday 19 July 2018
Subject:	Final draft revised Statement of Gambling Licensing Policy – Gambling Act 2005		
Report of:	Head of Regulation and Compliance	Wards Affected:	(All Wards);
Portfolio:			
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To seek Members' comments on the final draft revised Statement of Gambling Licensing Policy and to then refer to Council for approval.

Recommendations:

That the Licensing and Regulatory Committee:

- i) Consider and agree the final draft of the revised Statement of Gambling Licensing Policy, attached at Annex 2; and,
- ii) Refer the agreed revised Statement of Gambling Licensing Policy to Council for approval.

That Council:

- i) Approve the revised Statement of Gambling Licensing Policy, attached at Annex 2.

Reasons for the Recommendations:

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

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial costs associated with the proposals in this report

(B) Capital Costs

There are no financial costs associated with the proposals in this report

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None
Legal Implications: None
Equality Implications: There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Yes
Facilitate confident and resilient communities:
Commission, broker and provide core services: Yes
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources has been consulted and notes the report indicates no direct financial implications for the Council. (FD 5169 /18).

Head of Regulation and Compliance has been consulted and any comments have been incorporated into the report. (LD 4393/18).

(B) External Consultations

Consultation exercise took place between 5 February 2018 and 2 April 2018

Implementation Date for the Decision

Immediately following the Committee meeting.

Contact Officer:	Kevin Coady
Telephone Number:	Tel: 0151 934 2946
Email Address:	kevin.coady@sefton.gov.uk

Appendices:

Annex 1 – Responses received to consultation exercise.

Annex 2 – Final draft revised Statement of Gambling Licensing Policy.

Background Papers:

There are no background papers available for inspection.

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 31 January 2016, no revision has been deemed necessary to date. The Policy will require revising during 2018 in order for it to take effect from 31 January 2019 (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.

2.0 Consultation process

- 2.1 The consultation took place between 5 February 2018 to 2 April 2018.

2.2 The consultation consisted of:

- i) Publishing the draft revision, a list of the alterations made, a consultation response proforma and general information on the Sefton Council Website (www.sefton.gov.uk) and via Sefton Council's Consultation Finder (www.engagespace.co.uk/sefton);
- ii) News items placed on the Sefton Twitter account and the Sefton Facebook page;
- iii) Placing copies of the draft revision, and the list of the alterations made, in local libraries; and,
- iv) Through press releases to all local press agencies.

2.3 In addition to the general consultation/awareness raising referred to above specific consultations also took place where a letter, copy of the changes proposed and copy of revised Policy were forwarded for comment to:

Merseyside Police, the Gambling Commission; local fire and rescue authority; Sefton Council Planning; Sefton Council Environmental Health & Licensing Section; Sefton Council Safeguarding Children's Unit; HM Revenue and Customs; National Casino Forum; British Amusement Catering Trade Association (BACTA); the Bingo Association; National Association of Bookmakers; Association of British Bookmakers Ltd (ABB); Hospice Lotteries Association; the Lotteries Council; the British Association of Leisure Parks; Piers and Attractions Limited (BALPPA); the Racecourse Association Limited; the British Beer and Pub Association; Gamcare, Sefton Chamber of Commerce; the Southport BID Team; all Borough Councillors; Sefton Members of Parliament and all Parish Council Clerks.

2.4 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.

3.0 Further revisions made to Policy

3.1 As a result of the consultation further amendments have been made to the Policy, these being additional to those outlined within the Report to Members on 8 January 2018, and these are indicated below.

3.2 Paragraph 1.3, first sentence redrafted to now read:

The three licensing objectives which guide the way that the Licensing Authorities perform their functions and the way that gambling businesses carry on their activities, are:

3.3 Paragraph 1.12 Sefton population amended to 274,853 to reflect 2016 census.

3.4 Paragraph 1.13, the following added to the end of the second bullet point:

Southport Business Improvement District, the Council, Merseyside Police, Pubwatch, Light for Life and Street Pastors have been successful in applying for Purple Flag status.

3.5 Paragraph 1.14 *Unitary Plan* changed to *Local Plan*.

3.6 Paragraph 2.13, last two sentences removed; to now read:

Demand issues cannot be considered with regard to the location of premises but considerations in terms of the licensing objectives can (see Section 3.0). The Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. For example, the Authority would have regard to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families and children.

3.7 Paragraph 3.1, first sentence redrafted to now read:

In carrying out its licensing functions the Authority will be guided by the Gambling Licensing Objectives which are:

3.8 Paragraph 3.14, re-drafted to specify what types of premises should seek advice:

In recent years there has been an increasing awareness of the problems in society generally connected with Child Sexual Exploitation. It is this Authority's opinion that Child Safeguarding is everyone's responsibility and that gambling premises should be vigilant in this regard. Operators whose premises are allowed to admit under 18s should have in place appropriate child safeguarding measures and should seek the advice of the Council's Safeguarding Children's Unit in this respect.

3.9 A copy of the Final Draft of the Policy is to be found within Annex 2.