



## LICENSING COMMITTEE – 8TH NOVEMBER 2012

**SUBJECT: GAMBLING ACT 2005 – REVIEW OF STATEMENT OF LICENSING POLICY**

**REPORT BY: CHIEF EXECUTIVE**

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### 1. PURPOSE OF REPORT

1.1 To inform Members of the result of consultation carried out to review the Statement of Licensing Policy.

### 2. SUMMARY

2.1 In accordance with the Gambling Act, the Licensing Authority must prepare, consult upon and approve a Statement of Licensing Policy that must be reviewed every three years. The current Policy was approved by Council and published in January 2010.

### 3. LINKS TO STRATEGY

3.1 This Statement of Licensing Policy contributes toward the following Corporate Improvement Plan themes:

- Building better Lifestyles
- Building better Public Services

### 4. THE REPORT

4.1 In accordance with the above Act, the Licensing Authority has a duty to publish a Policy which sets out the principles that it will apply when dealing with applications made for Premises Licences, Betting Offices, Adult Gaming and Family Entertainment Centres and when granting permits for gaming and gaming machines in clubs, pubs, for example.

4.2 The Policy has been reviewed and a consultation exercise undertaken with relevant bodies, individuals, residents and businesses throughout the Borough who have been invited to comment. Public Notices have also been placed in local newspapers and on the Council's website.

4.3 When preparing the revised Statement, the Authority must have regard to legislative changes and the Guidance issued by the Gambling Commission. Since the Policy was published a small number of minor, administrative amendments have been made, which do not alter the application of the Policy. A limited response was received from the consultation process.

4.4 The amendments of any significance arise directly from the Gambling Commission's Guidance and relate to:

- Bingo Premises – Page 16 - Amended to incorporate a maximum percentage of category B gaming machines that can be made available on a premises.
- Club Gaming and Club Machine Permits – Page 22 - Amended to clarify the Council's role in establishing the status of qualifying clubs.
- Small Lotteries – Page 23 - A new section has been created to enable licensing authorities to establish enforcement responsibilities for small society lotteries.
- Schedule of Delegation – Page 25- Insertion of a new delegation to Officers, to revoke licences for failure to pay annual licence fees. This is in accordance with the Council's scheme of delegation, where such action is devolved to the relevant Head of Service.

4.5 Appendix A to this report is the revised Statement of Licensing Policy showing amendments and updates by way of tracked changes, which is recommended for adoption. Following consideration by this Committee, the Policy will be presented to Council for final approval.

## **5. EQUALITIES IMPLICATIONS**

5.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan.

## **6. FINANCIAL IMPLICATIONS**

6.1 There are no financial implications.

## **7. PERSONNEL IMPLICATIONS**

7.1 There are no personnel implications

## **8. CONSULTATIONS**

8.1 The report has been sent to the consultees listed below and there are no responses, which have not been reflected in the recommendations.

## **9. RECOMMENDATIONS**

9.1 That the Committee consider and offer any comment to Council on the revised Statement of Licensing Policy

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 In order to give effect to the statutory obligations imposed by the Gambling Act 2005 and any Regulations made under the Act.

## **11. STATUTORY POWER**

11.1 Gambling Act 2005

Author: Paul Hotchkiss, Licensing Officer  
Consultees: Councillor J. Bevan, Chair, Licensing Committee  
Councillor D.M. Gray, Vice Chair, Licensing Committee  
Councillor D.V. Poole, Cabinet Member for Community and Leisure Services  
Anthony O'Sullivan, Chief Executive  
Rob Hartshorn, Head of Public Protection  
Jacqui Morgan, Trading Standards, Licensing and Registration Services Manager  
Dan Perkins, Head of Legal and Governance  
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)

Appendices:  
Appendix A Statement of Licensing Policy

Background Papers:  
The Gambling Act 2005 and associated Regulations