



LICENSING COMMITTEE – 24TH SEPTEMBER 2015

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

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To inform Members of the result of consultation carried out to review the Statement of Gambling Licensing Policy. The report is seeking the views of Members prior to its presentation to Council.

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 2013.

3. LINKS TO STRATEGY

- 3.1 The Statement of Licensing Policy contributes to the Prosperous, Healthier, and Safer Caerphilly Priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers and also contributes to a number Objectives under the Council's Strategic Equality Plan 2012.

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 gambling premises, gaming permits, lottery registrations, and other gambling notices associated with gaming.
- 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 a local newspaper and on the Council's website. No responses have been received as a result of the consultation process.
- 4.3 When preparing the revised Statement, the Authority must have regard to legislative changes and the Guidance issued by the Gambling Commission. In addition the revised policy has been developed following collaboration with neighbouring authorities comprising the Gwent Licensing Forum, i.e. Torfaen, Monmouthshire, Blaenau Gwent and Newport. The collaboration only addressed common themes affecting all authorities and did not address local issues or considerations particular to each authority.

4.4 The amendments of any significance are as follows:

4.4.1 The relevant section of the policy which addresses Equalities has been updated to reflect the introduction of the Welsh Language (Wales) Measures 2011.

4.4.2 Additional detailed information on certain aspects of the Gambling Act which has been set out in annexes to the revised policy which include:

- Access restrictions to gambling premises (Annex 3)
- Gaming machine categorisations (Annex 4)
- Mandatory and Default conditions, which relate to premises licences. (Page 15 and Annex 5)

4.4.3 Inclusion of information released in February 2015 in relation to the Licensing Conditions and Codes of Practice (LCCP) document by the Gambling Commission (referenced section 6 page 29 of policy) which introduces new measures with effect from April 2016 which includes:

- The revised LCCP that strengthens the 'Social Responsibility' (SR) obligations placed on gambling premises operators to put in place schemes to allow customers to self-exclude themselves from all operations of a similar type in the area where they live and work. (Section 6, page 29 of policy)
- A range of measures in respect of marketing to ensure that it is transparent and not misleading.
- A requirement for operators to conduct risk assessments to identify local risks to the licensing objectives and to ensure that appropriate procedures and control measures are in place to mitigate those risks. (Section 6, page 29 of policy)

The LCCP document can be accessed via the following link to the Gambling Commission web site:- <http://www.gamblingcommission.gov.uk/pdf/Latest-LCCP-and-Extracts/Licence-conditions-and-codes-of-practice.pdf>

4.4.4 Implementing the Determination of the Magistrates Court set out in the current policy has not been addressed in the revised policy as such determinations cannot be affected or altered by policy.

4.5 Appendix 1 to this report is the revised Statement of Licensing Policy, 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 Details of consultees on the amended policy are listed in Annex 1 of the attached policy document. No responses have been received as a result of the public consultation process.
- 8.2 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

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. The decision is the responsibility of the full Council.

Author: Myra McSherry, Licensing Manager
Consultees: Councillor J Bevan, Chair, Licensing Committee
Councillor D Preece Vice Chair, Licensing Committee
Councillor Nigel George, Cabinet Member for Community & Leisure Services
Dave Street, Corporate Director, Social Services
Rob Hartshorn, Head of Public Protection
Jacqui Morgan, Trading Standards, Licensing and Registration Services Manager
Gail Williams, Interim Head of Legal Services and Monitoring Officer
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Mike Eedy, Finance Manager
Trish Reardon, HR Services Manager

Background Papers:

The current Gambling policy: <http://www.caerphilly.gov.uk/CaerphillyDocs/Licensing/Statement-of-Licensing-Policy-Gambling-Act.aspx>

The Gambling Act 2005 and associated Regulations
Gambling Commission Licensing Conditions and Codes of Practice

Appendices:

Appendix 1 Revised Statement of Licensing Policy