

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	LICENSING COMMITTEE	30 JANUARY 2019	4
REVIEW OF STATEMENT OF GAMBLING POLICY			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Gambling Act 2005 requires the Licensing Authority to determine and publish a Statement of Gambling Policy for a 3 year period to set out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made.

The purpose of the report is to present members with the draft revised Gambling Policy Statement and inform them of the results of the consultation exercise.

RECOMMENDATION

That the Committee note the contents of the report and recommends the draft Policy for approval by Full Council.

SUMMARY OF PREVIOUS DECISIONS

14th December 2015, Council resolved to “to adopt the revised Policy”.

3rd December 2012, Council resolved “To note the contents of the report and approve the revised policy.

23rd November 2009, Council resolved to “note the contents of the report and approve the Policy.”

27th November 2006, Council resolved “To approve the draft Gambling Policy Statement detailed within the report, which had been developed from the guidance issued under Section 25 of the Gambling Act 2005 by the Secretary of State for Culture, Media and Sport, and amended where appropriate following the consultation process.”

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. The Gambling Act 2005 requires the licensing authority (Fylde Borough Council) to prepare a Statement of Gambling Policy every three years.
2. The Authority's current Statement of Gambling Policy was adopted by Council on the 14th December 2015 and is due for renewal.
3. Members will be aware that Fylde Borough Council has responsibility under the Act to issue premises licences, permits and temporary use notices in respect of premises where it is proposed that gambling should take place. Additionally, the Authority is responsible for the registration of Small Society Lotteries.
4. S25 of the Gambling Act requires the Gambling Commission to issue Guidance to Licensing Authorities on the discharge of functions under the Act. The Guidance was originally issued in April 2006 and dealt primarily with matters intended to assist the Licensing Authorities in the development of Gambling Policy.
5. The Guidance has been subject to several revisions, the latest being in September 2015 (parts updated in September 2016) following emerging issues since the implementation of the Act. This Guidance sets out the principles that must be applied by the Licensing Authority in exercising its functions under the Act.
6. The draft revised Gambling Policy was issued for consultation on the 3rd December 2018 and the final date for any comments to the proposals was 12th January 2019. There were no responses to the Consultation apart from a number of recommendations from the Council's legal officer which have been included.
7. The existing Policy has been kept under review since coming into force and no revision has been deemed necessary to the existing policy apart from references which have become outdated and an update at part 4 concerning Local Risk Assessments.
8. The Act requires the Council to consult with various groups before the Policy is determined as follows:
 - 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
 - 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
9. The Consultation included:
 - Lancashire Constabulary
 - Fire Authority
 - Representatives of businesses and residents in the borough
 - Representatives of persons representing the interests of persons carrying on gambling businesses in the borough
 - Fylde Community Safety Partnership
 - Local licensing solicitors
 - Representatives of child welfare groups
 - Town and Parish Councils
 - Youth organisations
 - Gambling industry organisations and associations
 - Gambler support organisations
10. The purpose of this report is to inform the Committee of the consultation process and seek the approval of the Licensing Committee so that the revised policy may be approved by a meeting of the Full Council on the 11 February 2019.

IMPLICATIONS	
Finance	The adoption of the policy has no direct financial implications, although there are resource implications for enforcement of any licence conditions. Such implications will be delivered within existing revenue budget provision.
Legal	The Council continues to have the statutory responsibility to administer the gambling function.
Community Safety	Views of community safety partners are incorporated into the policy.
Human Rights and Equalities	No direct implications arising from the report or policy.
Sustainability and Environmental Impact	A balanced approach to regulating the trade as part of a sustainable community is promoted through the policy.
Health & Safety and Risk Management	No direct implications arising from the report or policy. Those arising from enforcement activity will be managed operationally.

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Gambling Commission, Guidance to licensing authorities	September 2015	https://www.gamblingcommission.gov.uk/PDF/GLA5.pdf

Attached documents

App A – Draft Policy 2019 – 2022