

# CYNGOR SIR POWYS COUNTY COUNCIL

## LICENSING COMMITTEE

**REPORT AUTHOR:** Sue Jones, Senior Licensing Officer

**SUBJECT:** Consultation on Draft Statement of Principles,  
Gambling Act 2005

16<sup>th</sup> July 2018

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**REPORT FOR:** Decision

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### 1. SUMMARY

- 1.1 The Gambling Act 2005 gives licensing authorities various functions in relation to the licensing of premises and issuing of permits for gambling. Under section 349 of the Act, licensing authorities are required to produce, at least every three years, a statement of the principles that they propose to apply when exercising their functions under the Act.
- 1.2 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out precise requirements as to the form, content and publication of a statement, or a revision of a statement.
- 1.3 The last Powys Statement of Principles was approved by this committee in 2015 and has been effective since 1<sup>st</sup> January 2016. The authority is required to consider the policy and update it, where appropriate, so that any revised up to date policy is in place ready for 1<sup>st</sup> January 2019.

### 2. PROPOSAL

- 2.1 Powys Licensing is represented on a Four Counties Licensing Forum that covers the policing area of Dyfed Powys, and therefore includes Powys, Pembrokeshire, Ceredigion and Carmarthenshire. This group has recently started meeting regularly with a view to achieving consistency and sharing best practice across the common policing area in relation to a number of licensing matters.
- 2.2 To that end the group agreed that a common Statement of Principles be produced that could be replicated, where possible, by all authorities. The group need then only consider and update one single policy every 3 years, removing unnecessary duplication of effort for licensing officers across the region. However, the policy will contain an element of local area profiling that will be specific to each particular County
- 2.3 Representatives from The Gambling Commission attended a meeting with the Four Counties Licensing Forum to provide advice and guidance on drafting a new policy and this work has now been completed with input from Licensing Officers across the four counties

- 2.3 It is recommended that the authority consult on the new Statement of Principles recently drafted by the Four Counties Licensing Forum, with additional local area information included in the introduction at paragraph 2. The policy is attached at Annex A
- 2.4 In accordance with Government guidance, the authority is required to seek views on the draft 2019 Policy Statement. A list of those invited to comment on the document is set out (in the policy at Annex B ).
- 2.5 It is proposed that the draft policy will go out for consultation for a 4 week period, to allow for any comments / feedback to be taken into consideration in producing a final policy for approval at a further meeting of the licensing committee in September.
- 2.6 The revised draft policy will need to be referred to the full council meeting on 18<sup>th</sup> October with a recommendation that it be adopted in time for January 2019.

### **3.0 Options Considered/Available**

- 3.1 The proposal laid out as above is required to comply with statutory requirements.

### **4.0 Preferred Choice and Reasons**

- 4.1 To ensure compliance with statutory requirements the proposal as laid out is the preferred choice.

### **5.0 Impact Assessment**

- 5.1 Is an impact assessment required? No

### **6.0 Corporate Improvement Plan**

- 6.1 Licensing contributes to various aspects of the 'Vision 2025' document - 'Change for Powys – delivering an open, pro-active and engaging council for 2025'. This proposal supports the priority areas of developing a vibrant economy whilst supporting and protecting our residents and communities .

### **7.0 Local Member(s)**

- 7.1 This report has no particular significance on one or some electoral divisions.

### **8.0 Other Front Line Services**

- 8.1 Does the recommendation impact on other services run by the Council or on behalf of the Council? No

## 9.0 Communications

9.1 Once approved by committee the policy will be consulted on.

## 10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 The Principal Solicitor Public Protection confirms that the policy complies with the regulations set out in the Gambling Act 2005 and that the 3 year review of our policy is integral to the authorities compliance and review process

10.2 The Finance Business Partner Place – The Finance Business Partner is happy to support the draft policy as there are no financial implications.

## 11.0 Scrutiny

11.1 This report has not been scrutinised.

## 12.0 Statutory Officers

12.1 The Head of Financial Services (Deputy S151 Officer) notes the comment of the Finance Business Partner.

12.2 The Solicitor to the Council (Monitoring Officer ) commented as follows : “ I note the legal comments and have nothing to add to the report.”

## 13.0 Members' Interests

13.0 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>1. To approve consultation as set out in section 2 of the report on a revised Gambling Act 2005 Policy as set out in Annex A of the report.</b>	<b>In accordance with the Gambling Act 2005 to prepare and publish a Licensing Policy to come into effect January 2019</b>

<b>Relevant Policy (ies):</b>	
<b>Within Policy:</b>	<b>Y</b>
<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	<b>N/A</b>
<b>Relevant Portfolio Holder</b>	<b>Cllr James Evans</b>

<b>Person(s) To Implement Decision:</b>	<b>Sue Jones</b>
<b>Date By When Decision To Be Implemented:</b>	<b>With immediate effect</b>

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**Background Papers used to prepare Report:**