

- 1.2 The Council's Policy has been revised on two occasions since then and it is now time to revise this Policy to cover the next three year period: 31 January 2016 to 31 January 2019.
- 1.3 The Licensing Committee have approved the draft Policy at their meeting on 16 March 2015. Cabinet is now asked also to note and approve the revisions made to the Policy set out in paragraph 3.9 and approve the draft Policy at the Appendix prior to going out to formal consultation

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The issues raised in this report impact upon the following objectives as identified with the Council's Corporate Plan 2011-2016:

- Safer communities
- Strong and diverse economy
- Protecting local and global environments

3. BACKGROUND AND ISSUES

- 3.1 The Act states that before each successive period of three years a Licensing Authority must prepare a statement of the principles that it proposes to apply in exercising its functions under this Act during that period and to publish a statement in accordance with Regulations.
- 3.2 In 2006 an Order came into force setting the First Appointed Day as 31 January 2007 with separate Regulations setting out the requirements as to the form and publication of a statement or a revision of that statement.
- 3.3 Section 349(2) of the Act states that a Licensing Authority shall review its statement policy from time to time and if it thinks it necessary in the light of that review, revise the statement and publish the revision before giving it effect.

First 3-year Period: 31 January 2007 – 31 January 2010

- 3.4 On 30 October 2006 the Council first adopted its Policy and this came into effect on 31 January 2007 and covering the period up to 31 January 2010.

Second 3-year Period: 31 January 2010 – 31 January 2013

- 3.5 Subsequently, and in light of the Borough Council being awarded a Small Casino Premises Licence, it was necessary for the Council to review its Policy early to include the competition criteria for Stage 2 applicants. This Policy was revised and adopted on 11 May 2009 coming into effect on 15 June 2009. This Policy covered the period 31 January 2010 to 31 January 2013.

- 3.6 However, following legal advice and to avoid a potential challenge to the Policy, it was deemed necessary to revise it again within this second 3-year period to incorporate further minor amendments. As such the Policy was revised and adopted on 4 January 2010 and came into effect on 8 February 2010. This Policy then continued to cover the period 31 January 2010 to 31 January 2013.

Third 3-year Period: 31 January 2013 – 31 January 2016

- 3.7 The Policy was again reviewed in the third year period to cover 31 January 2013 to 31 January 2016.

Fourth 3-year Period: 31 January 2016 – 31 January 2019

- 3.8 The time has come again to review and revise the Policy to cover the fourth 3-year period: 31 January 2016 to 31 January 2019. Members are asked to approve the draft Gambling Licensing Policy prior to formal public consultation.
- 3.9 In essence the draft Policy contains only minor amendments so that it accords with the revised Gambling Commission Guidance and to simplify and clarify specific paragraphs. However, some of the key changes to the Policy are as follows:

Paragraph	Changes to Policy
1.12	This paragraph now sets out the relevant Articles of the Human Rights Act 1998.
1.28	This paragraph includes an additional point for the Licensing Authority to consider when determining the location of proposed gambling facilities, namely: proximity of the premises to a Centre for those with gambling problems.
1.30	A new paragraph has been included to state that the Licensing Authority will determine each application on its own merit and if an applicant can demonstrate how they will promote the licensing objectives, then the Licensing Authority will take this into account.
1.40	This paragraph sits under the licensing objective of “Protecting Children and other vulnerable persons from being harmed or exploited by gambling”. The Licensing Authority seeks to define vulnerable person in this paragraph and the policy now includes those people who may not be able to make informed or balanced reasons due to mental health issues, learning disabilities or substance abuse.
1.49 - 1.52	These paragraphs on Information Exchange have been amended to better reflect the revised Gambling Commission’s Guidance.

2.11	A further sentence has been added to state that the Licensing Authority shall carefully consider applications for bingo licences within arcades or other venues frequented by families and children in line with the protection of children licensing objective.
2.56.1 & 2.69.1	A scale of 1:100 plan is required when applying for Unlicensed Family Entertainment Centre and Prize Gaming permits. However, in order to accord with the EU Services Directive and Provision of Regulations, this paragraph has been amended to state that if a 1:100 scaled plan is not submitted then it must be “clear and legible in all material respects”.
2.60 & 2.75	With regard to Unlicensed Family Entertainment Centre and Prize Gaming Permits a new paragraph has been inserted to provide a mechanism for permit holders to amend the plan lodged with the Licensing Authority. It also states that an applicant will need written approval from the Licensing Authority.
2.64	An additional sentence has been included in this paragraph to highlight that where applicants require more than 2 gaming machines they should attend the Sub-Committee hearing. This is in order for Members to be assured that gaming machines are located in accordance with the mandatory conditions.
6.4	A new paragraph has been inserted to state that where a Sub Committee hearing is convened, the Licensing Authority strongly recommends that all applicants and objectors attend the hearing as it will allow the Sub Committee to ask any relevant questions pertinent to the application.

4. CONSULTATION

- 4.1 No initial consultation has been undertaken in the preparation of this draft prior to formal public consultation.
- 4.2 Officers propose a three-month consultation process using the services of the Council's Policy & Performance Unit. Consultees will be encouraged to comment on-line wherever possible so that data is electronically captured.

5. ASSESSMENT

- 5.1 If the draft revised Policy is not approved or adopted then the current Policy will remain in force without these minor amendments, some of the paragraphs may not accord with the revised Guidance issued by the Gambling Commission.
- 5.2 If, however, Members approve the revised Policy with the minor amendments it will be compliant with the Guidance and will be up to date and fit for purpose.

6. IMPLICATIONS

Policy

- 6.1 The Policy should be revised every 3 years in line with the Gambling Act 2005.

Legal

- 6.2 It is a statutory requirement for the Council to review this Policy every successive three year period.

Financial Implications

- 6.3 There are no implications except for the cost of the consultation.

Equality and Diversity

- 6.4 There are no implications.

Crime and Disorder

- 6.5 Under s17 of the Crime and Disorder Act 1998 the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.

7. ACTION PLAN

- 7.1 If Members approve the revised draft Policy Officers will conduct a formal consultation to take place over a three-month period from 1 May to 31 July 2015.
- 7.2 Following consultation a further report will be submitted to the Licensing Committee and Cabinet towards the end of 2015 setting out any proposed amendments, if any, as a result of consultation comments.
- 7.3 Once both the Licensing Committee and Cabinet formally approve the Policy post consultation it will be submitted to full Council in November 2015 for adoption whereupon the Policy will be advertised and duly published in line with Regulations.
- 7.4 The Policy should not need further work until early 2018 when the review of the next 3-year period covering 31 January 2019 to 31 January 2022 will need to be undertaken.



Andy Skelton
Director of Service Delivery

Author: Una Faithfull, Licensing Manager

Telephone No: 01723 232323 Fax No: 01723 365280

E-mail address: licensing.services@scarborough.gov.uk

Background Papers:

Current Gambling Policy

Gambling Act 2005

Gambling Commission Guidance to Licensing Authorities

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR ON 01723 383578 e-mail: una.faithfull@scarborough.gov.uk