
FULL COUNCIL REPORT

Date Written	4 th December 2018
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Service Area	Licensing & Trading Standards
Exempt/Non Exempt	Non Exempt
Committee Date	19 th December 2018

To: Mayor, Ladies and Gentlemen

Review Of Statement Of Licensing Policy Under The Gambling Act 2005

1.0 SUMMARY OF THE REPORT

- 1.1 Merthyr Tydfil County Borough Council in accordance with the Gambling Act 2005 has a legal requirement to review its Gambling Licensing Policy every three years.
- 1.2 The Gambling Licensing Policy sets out how the Council will regulate gambling licensed premises, permits and authorisations for the temporary use of premises amongst other matters.
- 1.3 On the 18th July 2018 a revised policy was put before the Planning Regulatory & Licensing Committee with members resolving that the same be put for public consultation.
- 1.4 The revised Gambling Licensing Policy must come into force on the 31st January 2019. The Act requires that the Gambling Licensing Policy is published for a period of at least 4 weeks before the date on which it comes into effect.
- 1.5 The consultation has concluded and after taking into account the responses received during the consultation period the policy was revised by the Head of Public Protection and Housing.

2.0 RECOMMENDATIONS that

- 2.1 The revised Statement of Licensing Policy 2019 – 2022 be approved and to come into force on the 31st January 2019.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 Section 349 of the Gambling Act 2005 requires a Licensing Authority to prepare and publish a statement of its Licensing Policy at least every three years. The Authority's existing statement came into effect on the 31st January 2016 and therefore the policy needs to be reviewed with a revised statement of licensing principles in force by the 31st January 2019. This will be the fourth time the Policy has been revised.
- 3.2 The current Statement of Licensing Policy 2016 – 2019 came into force on the 31st January 2016 and in accordance with the statutory requirements is effective for three years which means that the Council's new Revised Policy must be adopted and published to take effect from the 31st January 2019. This Policy will then be effective for a three year period ending on the 31st January 2022.
- 3.3 To comply with this requirement, a revised Statement of Licensing Policy was drafted in line with national guidance and in accordance with current legislation. On the 18th July 2018 the revised Policy was considered and approved by the Planning Regulatory & Licensing Committee.
- 3.4 Following approval and in accordance with guidance it was put for Consultation over a 12 week period from the 20th August 2018 to the 12th November 2018. This 12 week period was consistent with previous policy consultations and proportionate when considering the changes proposed to the policy.
- 3.5 The Gambling Act 2005 states that before determining its Policy for any three year period, the licensing authority must consult the consultees listed at section 349(3) of the Act namely:
- a) the chief officer of police for the area;
 - b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
 - c) 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.

The authority consulted with those organisations/persons/bodies set out in paragraph 1.5 on page 6 of the draft policy.

- 3.6 A copy of the draft Policy was published on the Council's website, facebook and twitter. It was also put for consultation using Smart Survey.
- 3.7 There were no responses to the public consultation with the only response from the statutory consultees. The responses came from Gosschalks Solicitors who act for the Association of British Bookmakers (ABB) and another response was from the organisation GamCare.
- 3.8 The suggested amendments were considered by the Head of Public Protection and Housing and the Policy was amended to reflect the suggested amendments.

Appendix 2 lists the suggestions made in the consultation responses and the reason why they have been included fully/partially accepted or omitted. A copy of the draft policy reflecting the amendments is contained in the background papers to this report.

3.9 Should Council resolve to adopt the Policy the Licensing Department will prior to the Policy coming into force on 31 January 2019 publish the revised Statement of Licensing Policy at least 4 weeks before the date the policy will take effect in the following ways:-

- a) Publish the revised Statement of Licensing Policy on the Council's website and make the Policy available for inspection by the public at one or more public libraries in the borough.
- b) Publish a notice no later than the first day on which the revised Statement of Licensing Policy is made available on the Council's website in one or more of the following places:
 - (i) a local newspaper circulating in the area covered by the statement;
 - (ii) a local newspaper, circular, or similar document circulating in the area covered by the statement;
 - (iii) a public notice board in or near the principal office of the authority;
 - (iv) a public notice board on the premises of public libraries in the area covered by the statement.
- c) The notice shall specify:
 - (i) the date on which the statement will be published;
 - (ii) the date on which the statement will come into effect;
 - (iii) the internet address where the statement will be published;
 - (iv) the address of the library at which the statement is published.

4.0 NO CASINOS RESOLUTION

4.1 Section 166 of the Gambling Act 2005 allows a licensing authority to resolve not to issue casino premises licenses within its boundaries.

4.2 At all previous Full Council meetings where the Gambling Policy has been considered, the Council has decided to approve a "no-casinos" resolution.

4.3 The adoption of a no-casinos resolution requires ratification every three years.

5.0 FINANCIAL IMPLICATION(S)

5.1 There are no costs linked to approval of the Licensing Policy. However if adopted by Full Council there may be a cost incurred if the public notice is published in a local newspaper circulating in the area. If this is done the cost of the same will be met from the Licensing Department's budget .

6.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Not Applicable
1. Merthyr Tydfil Well-being Objectives	2 of 4	0 of 4	2 of 4
2. Sustainable Development Principles - How have you considered the five ways of working: <ul style="list-style-type: none"> • Long term • Prevention • Integration • Collaboration • Involvement 	5 of 5	0 of 5	0 of 5
3. Protected Characteristics <i>(including Welsh Language)</i>	0 of 10	0 of 10	10 of 10
4. Biodiversity	0 of 1	0 of 1	1 of 1
<p>Summary:</p> <p>The main positive impacts are that this will allow the public and the licencing trade to plan ahead knowing the Council's policy for the next 3 years</p> <p>The main negative impacts are - none</p>			

GARETH CHAPMAN
CHIEF EXECUTIVE

ANDREW BARRY
CABINET MEMBER
FOR GOVERNANCE AND CORPORATE SERVICES

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Does the report contain any issue that may impact the Council's Constitution?		No

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.