



REPORT TO: MORAY LICENSING BOARD 8 DECEMBER 2021

SUBJECT: REVIEW OF STATEMENT OF POLICY - LICENSING (SCOTLAND) ACT 2005

BY: CLERK TO THE BOARD

1. Reason for Report

- 1.1 The reason for this report is to advise the Board with regard to the statutory obligation to develop, consult and publish a policy statement setting out the principles they propose to apply to the exercise of their functions under the Gambling Act 2005.
- 1.2 Every Licensing Board must, before the beginning of each relevant period of three years, publish a statement of their policy.
- 1.3 The current period started on the January 2018 and is due to expire at the end of December 2021. A revised policy statement must be in place and publicised by then.

2. Recommendations

2.1 It is recommended that the Board:-

- i. Note the statutory obligation to develop, consult upon and publish a statement of licensing policy and note that a revised policy must be in place for January 2022;**
- ii. Note the terms of the final policy as reviewed and developed by the Board following research produced at Appendix 1.**
- iii. Note the policy has been the subject of formal consultation for the period of 11 October 2021 to 30 November 2021.**
- iv. Approve a final policy statement for publication.**

3. Background

- 3.1 The Gambling Act 2005 requires the Board to publish a Statement of Policy as to how it proposes to exercise its powers under the Act.
- 3.2 The Statement of Policy must be revised in line with the 3 year cycle set by the Act. The last revised statement was published in 2019 and a new revised

statement is due to be published before the the end of 2021. The Board may also review the policy at any time within the 3 year period.

- 3.3 The Board consulted certain persons/bodies as part of the process of preparing or revising the policy statement. Those are:
- The Chief Constable
 - One or more persons representing the interests of persons carrying on gambling business in the area
 - One or more persons representing the interests of persons likely to be affected by gambling in the area

Further Consultation

- 3.4 The draft revised policy statement was then subjected to a further formal and extensive consultation period of approximately 7 weeks from the 11 October 2021 up to 30 November 2021.
- 3.5 The formal consultation produced no responses.
- 3.6 The Board is requested to consider and make any final adjustments to the revised policy as the Board considers necessary or appropriate before final approval.
- 3.7 Once approved, the final policy statement will ultimately be published on both the Council's web site and at certain premises like Access points and main libraries where the document may be inspected. The publication must be available for inspection by the public free of charge.

4. SUMMARY OF IMPLICATIONS

The provisions of licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. Licensing exists to promote public safety, in this context for both staff and customers. Industries that undertake licensable activities can have positive effects on tourism and aid a growing economy.

(a) Policy and Legal

Policy and Legal implications have been explained above.

(b) Financial implications

The costs associated with implementing the policy is being met from existing budgets. This is a statutory requirement.

(c) Risk Implications

None identified. It is a legal requirement to implement these licence types and amend the current licence types.

(d) Staffing Implications

Staff time is being met from existing resources.

(e) Property

There are no property implications arising from this report.

(f) Equalities/Socio Economic Impact

None required

(g) Consultations

Full consultation has been carried out as previously described

5. Conclusion

- 5.1 It is proposed that the Board note the requirement to develop, consult upon and publish a Statement of Policy as to how it will exercise its functions under the Gambling Act 2005, note the results of the formal consultation, amend the policy as the Board deems necessary or appropriate and instruct the Clerk to proceed to publish the final approved policy.**

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Background Papers:
Ref: SAH