

Cabinet Member for Policing and Equalities
Licensing and Regulatory Committee

23rd July 2015
28th July 2015

Name of Cabinet Member:

Cabinet Member for Policing and Equalities- Councillor Townshend

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

All

Title:

Gambling Act 2005 - Revised Statement of Licensing Policy 2016-19

Is this a key decision?

No

Executive Summary:

The purpose of this report is to seek Members' views and approval to consult on the draft revised Statement of Licensing Policy 2016-19 under the Gambling Act 2005.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to consider the draft revised Statement of Gambling Policy and authorise the Executive Director of Place to carry out the consultation as detailed in the report.

The Licensing and Regulatory Committee is requested to consider the draft Statement of Gambling Policy and forward any comments it wishes to make as part of the consultation process.

List of Appendices included:

Revised Statement of Gambling Policy (shaded paragraphs illustrate the additions to the document)

Other useful background papers:

Gambling Act 2005

Gambling Act 2005 Guidance to Licensing Authorities

Coventry City Council Statement of Gambling Policy 2013-2016

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes – Licensing and Regulatory Committee – 28 July 2015.

Will this report go to Council?

No

Report title: Gambling Act 2005 - Revised Statement of Gambling Policy

1. Context (or background)

1.1 Under the terms of the Gambling Act 2005 the Council's Statement of Gambling Policy has to be renewed every three years. The current Statement of Gambling Policy came into effect on 31st January 2013 and a review must therefore be completed and a revised statement published by 3rd January 2016.

1.2 This is the fourth Statement of Gambling Policy produced by the Licensing Authority under the Gambling Act 2005. The Policy will be relevant for all licensing decisions taken by the Council as the Licensing Authority over three years commencing on 31st January 2016.

1.3 The general principles of the Gambling Policy remain the same and the document is still centred around the Gambling Act's three licensing objectives, namely

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way;
- protecting children and other vulnerable persons from being harmed or exploited by gambling

1.4 Before amending the policy for a further three year period, licensing authorities are required to carry out a wide consultation process. In addition to those it must consult by law, the Council has authority to include in the process any individuals or organisations it deems appropriate.

1.5 The Responsible Authorities – (Gambling Commission, West Midlands Police, West Midlands Fire and Rescue Service, Planning, Environmental Health (functions in relation to pollution to the environment or harm to human health) Safeguarding Children Board, HM Revenue & Customs) and Community Safety Team will be consulted on the draft revised policy.

1.6 The public consultation exercise will finish on 23rd September 2015, and will include the following elements:-

Mail shots to representatives of the licensed trade, clubs and key partners

Formally writing to the Chief Officers of the responsible authorities

Mail shots business organisations

Wider public consultation through the City Council Web Site

1.7 The revised policy complies with updated Gambling Commissions guidance and regulations. It has been developed with all 6 Warwickshire Licensing Authorities (Warwickshire County Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford on Avon District Council and Warwick District Council), although each authority has adapted the policy to suit the needs of their area and profile.

A copy of the draft revised policy is attached as an Appendix to the report.

Key Changes to the Revised Licensing Act Policy

Local Area Profiles	A local area profile drawn up for sensitive locations. From April 2016, applicants for new/variation premises licences are required to consider this profile (paragraph 9.2 of the draft revised policy refers)
Risk Assessments	Licence Conditions and Codes of Practice have been revised by the Gambling Commission. From April 2016, applicants are required to produce a local risk assessment to mitigate any risks. Criteria and Considerations are provided at sections 5, 6 & 7 of the revised policy

NB. The local area profile & risk assessment document is currently being worked on and does not form part of the consultation process.

2. Options considered and recommended proposal

- 2.1 The Cabinet Member for Policing and Equalities is requested to consider the draft revised Statement of Gambling Policy and authorise the Executive Director of Place to carry out the consultation as detailed in the report.
- 2.2 The Licensing and Regulatory Committee is requested to consider the draft revised Statement of Gambling Policy and forward any comments as part of the consultation process.

3. Results of consultation undertaken

- 3.1 The results of the consultation process will be submitted for consideration to Cabinet Member for Policing and Equalities before a finalised policy document is presented to Full Council for approval.

4. Timetable for implementing this decision

- 4.1 The revised Statement of Gambling Policy must be published by 3rd January 2016 and commencing from 31st January 2016, allowing the Council to continue to carry out any function in respect of individual applications made under the authority of the Gambling Act 2005.

5. Comments from Executive Director of Resources

5.1 Financial implications

The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs involved in publishing the statement of licensing policy.

5.2 Legal implications

The Council will not be able to undertake its role as a licensing authority after the 31st January 2016 unless it has approved and published its revised Statement of Gambling Policy. The policy must be reviewed every three years, or more often if appropriate.

The licensing function is carried out by the Council's Licensing and Regulatory Committee and officers exercising delegated powers. The one exception is the approval of the policy statement, which must be approved by Full Council.

The Council is required to have regard to any current Government Guidance when carrying out any licensing functions under the Gambling Act 2005 including preparing its Statement of Gambling Policy.

Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Preventing gambling from being a source of crime or disorder is a licensing objective where the Gambling Commission take a leading role. The Commission investigates the suitability of applicants to hold an operators or personal licence. An operators licence is required to be held prior to being able to apply for a premises licence through the licensing authority. Licensing authorities may consider the locations of premises in the context of this objective. There are strong structural links between the administration of the licensing process and the role of the Community Safety Partnership and West Midlands Police. The Licensing policy provides information about proposed enforcement protocols with the police and other enforcement authorities. As a Responsible Authority, the Police have been a key consultee.

One of the licensing objectives is 'Protecting children and other vulnerable persons from being harmed or exploited by gambling. Applicants are required to show how they will address this objective in their risk assessment when making applications. The Coventry Safeguarding Children Board is a responsible Authority consulted when applications are made. They have been made aware of the policy review and have been consulted.

6.2 How is risk being managed?

If the Gambling Policy is not renewed in the above timeframe, the City Council will not legally be able to perform its function under the Act. The consultation process and committee dates have been planned to ensure that the policy is in place at the required time.

The Statement of Gambling Policy will inform decisions taken by the licensing authority that will have an impact on the interests of private individuals and businesses. The policy reflects the need to respect the relevant rights given by the Human Rights Act

Decisions of the licensing authority are open to challenge through the Magistrates Court and beyond. The Statement of Gambling Policy is designed to ensure our compliance with legislation and statutory guidance, minimising the risk of legal challenge.

6.3 What is the impact on the organisation?

The adoption of the policy should have no impact on the organisation. There are no human resource, financial or ICT implications.

6.4 Equalities / EIA

The Gambling Policy makes links to the Council's Equality and Diversity Policies and an Equalities Assessment exists for licensing activities. This will be reviewed and updated as part of the consultation process.

6.5 Implications for partner organisations?

The Gambling Policy contributes towards the work of the Community Safety Partnership and specifically with the work of the police. They have been consulted in the development of the draft policy.

The effective operation of the policy by the licensing authority and all enforcement agencies has an impact on the night time economy and on the co-existence of licensed premises with local residents and communities.

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No HR Issues				
Martin Yardley	Director	Place	03/07/15	Approval from Andrew Walster 07/07.15
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