

Licensing and Regulatory Committee
Cabinet Member for Culture, Leisure, Sports and Parks
Council

20th October 2015
12th November 2015
1st December 2015

Name of Cabinet Member:

Cabinet Member for Culture, Leisure, Sports and Parks – Councillor A Khan

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

All

Title:

Gambling Act 2005 - Revised Statement of Gambling Policy

Is this a key decision?

No

Executive Summary:

The purpose of this report is to update Members on the outcome of the 7 week consultation undertaken on the review of the Council's Statement of Gambling Policy for the Gambling Act 2005 and to recommend for approval a revised policy for the period 2016 – 2019.

Recommendations:

The Licensing and Regulatory Committee is recommended to:-

1. Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2016-2019 and notify the Cabinet Member for Policing and Equalities of its comments.

The Cabinet Member for Culture, Leisure, Sports and Parks is recommended to:-

1. Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2016-2019 and any comments from the Licensing and Regulatory Committee.
2. Recommend to Council that it adopts the revised Statement of Gambling Policy attached as Appendix A of the report.

Council is recommended to:-

1. Adopt the revised Statement of Gambling Policy attached as Appendix A of the report.

List of Appendices included:

Appendix A - Revised Statement of Gambling Policy
Appendix B - Summary of consultation responses
Appendix C - Summary of main changes to the Gambling Policy

Other useful background papers:

Gambling Act 2005
Gambling Act 2005 Guidance to Licensing Authorities
Current Gambling Policy
Gambling Commissions Consolidated Licence Conditions and Codes of Practice (LCCP)

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

Cabinet Member (Policing and Equalities) 23rd July 2015 and 5th November 2015
Licensing and Regulatory Committee 28th July 2015 and 20th October 2015

Will this report go to Council?

Yes

1st December 2015

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

1. Context (or background)

- 1.1 The Gambling Act requires each licensing authority to prepare and publish a statement of gambling policy. The policy statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the three licensing objectives.
- 1.2 The current Gambling Policy came into effect on 6th January 2013, to cover a period up to 31st January 2016.
- 1.3 This policy has to be renewed every three years and be subject to a full consultation process.
- 1.4 Cabinet Member (Policing and Equalities) on 23rd July and the Licensing and Regulatory Committee on 28th July considered a report on the draft revised Gambling Policy and authorised the Executive Director of Place to consult on its contents.
- 1.5 The report advises Members of the consultation that has taken place and outlines the comments received and drafts made on the Council's draft Gambling Policy.
- 1.6 This is the fourth Statement of Gambling Policy produced by the Licensing Authority under the Gambling Act 2005. 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 and disorder, being associated with crime and disorder or being used to support crime;
 - ensure gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.7 Whilst the majority of the policy has not changed, consideration has now been given specifically to a new requirement on operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies and procedures and control measures to mitigate those risks. In making those risk assessments they must take into account relevant matters identified in the licensing authority's statement of licensing policy.
- 1.8 The local risk assessments must be reviewed when there are significant changes in local circumstances (including those identified in a licensing authority's statement of licensing policy), or at the premises, or when applying for a new or variation of a licence.
- 1.9 Whilst the requirement for risk assessment does not take effect until April 2016, it is important that we take it into account in our revised statement.
- 1.10 The revised guidance also makes recommendations about licensing authorities completing and mapping their own assessments of local risks and concerns by developing local area profiles. A local area profile has now been drafted and will be implemented in advance of the requirement referred to above coming into effect.
- 1.11 Following public consultation, the revised draft Statement of Gambling Policy is now ready to be recommended for adoption to take effect from 31st January 2016 (Appendix A).

2 Options considered and recommended proposal

The Licensing and Regulatory Committee is recommended to:-

1. Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2016-2019 and notify the Cabinet Member for Policing and Equalities of its comments.

The Cabinet Member for Culture, Leisure, Sports and Parks is recommended to:-

1. Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2016-2019 and any comments from the Licensing and Regulatory Committee.
2. Recommend to Council that it adopts the revised Statement of Gambling Policy attached as Appendix A of the report.

Council is recommended to:-

1. Adopt the revised Statement of Gambling Policy attached as Appendix A of the report.

3 Results of consultation undertaken

3.1

The public consultation exercise finished on 23rd September 2015, and included the following elements:-

- Mail shots to operators
- Notification to the responsible authorities
- Mail shots to trade organisations
- Wider public consultation through the City Council's website

3.2 All statutory consultees have received a full copy of the draft Gambling Policy and notification of the draft policy was given to all Council Members and Parish councils. The draft policy was also made available on the Council's website from 5th August to 23rd September 2015 and was sent to all licensed businesses, Responsible Authorities, resident associations and other public consultees as set out in the policy inviting them to comment.

3.3 Three responses have been received to the consultation and are summarised in Appendix C. The respondees' ask that Members note their views on the introduction of the new Gambling Commission "Licence Conditions and Codes of Practice (LCCP)", and their concerns with how the Council may implement these new powers. Sections 5, 6, 7 and 9 of the policy cover the new LCCP provisions. Having considered the information contained in the sections in the draft policy, the Gambling Commission's LCCP supporting documentation and the Gambling Commission's guidance to licensing authorities, it has been considered that amendments to the policy are not required.

4. Timetable for implementing this decision

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

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

Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy every 3 years. The next Statement must be published by 31st January 2016. The statement is one of a number of guidance documents that the Local Authority must aim to make its decisions in accordance with.

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 sets out the legal requirements for preparing or publishing a statement or revision.

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

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 takes a leading role. The Commission investigates the suitability of applicants to hold an operators or personal licence. An operator's 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 links between the administration of the licensing process and the role of the Community Safety Partnership and West Midlands Police. The Gambling 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.

Gambling Commission Licence conditions & code of practice provide a new requirement that from 6 April 2016 Operators will have to provide a local risk assessment with new/variation applications. Operators will be required to assess the local risk to the licensing objectives at each of their premises and have policies, procedures and control measures to mitigate these risks. In preparing these risk assessments, licensees must take into account relevant matters identified in the LA Statement of Gambling Policy.

Operators will be expected to identify the local risk factors surrounding the premises, which will differ from location to location. The Licensing Authority will consider the assessment and the measures implemented to mitigate those risks. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local concerns.

6.2 How is risk being managed?

If the Gambling Policy is not renewed in the above timeframe, the City Council will not be able to perform its function under the Act. The consultation process and council meeting 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 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

Consideration has been given to the public sector duty under the Equality Act 2010 to reduce inequalities when making decisions of a strategic nature. However, this is a regulatory requirement and as these requirements apply to gambling operators, the impact on individuals is considered to be minimal.

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. The Police and the other Responsible Authorities have been consulted in the development of the draft policy.

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Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
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