
Cabinet Member for Policing and Equalities
Licensing and Regulatory Committee

26th July 2018
14th August 2018

Name of Cabinet Member:

Cabinet Member for Policing and Equalities Councillor Khan

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

All

Title:

Gambling Act 2005 - Revised Statement of Licensing Policy 2019 - 2022

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 2019 - 2022 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 Deputy Chief Executive (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 amendments to the document)

Other useful background papers:

Gambling Act 2005

Gambling Act 2005 Guidance to Licensing Authorities

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 – 14th August 2018

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 2016 and a review must therefore be completed. There is a requirement in the Act for the Council to publish and advertise the revised Statement of Gambling Policy at least 4 weeks before, by 3rd January 2019.
- 1.2 The Gambling Policy produced by the Licensing Authority under the Gambling Act 2005 will be relevant for all licensing decisions taken by the Council as the Licensing Authority over three years commencing on 31st January 2019.
- 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; and
 - 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 (statutory consultees - 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), Community Safety team and Public Health will be consulted on the draft revised policy.
- 1.6 The public consultation exercise will begin on the 7th August 2018, for a 6 week period and finish on the 18th September 2018 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 to businesses and organisations; and
 - 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

- 1.8 There are no proposed significant changes to the policy only minor amendments and additions. These can be shown highlighted in grey in the draft revised policy

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 Deputy Chief Executive 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 on the 25th October 2018, before a finalised policy document is presented to Full Council for approval on the 4th December 2018.

4. Timetable for implementing this decision

- 4.1 The revised Statement of Gambling Policy must be published by 3rd January 2019 and commence from 31st January 2019, 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 Director of Finance and Corporate Services

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 2019 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.

6. Other implications

6.1 How will this contribute to achievement of the Council's Plan?

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 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 is 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.

Report author(s): Debbie Cahalin-Heath

Name and job title: Licensing Manager

Directorate: Place

Tel and email contact: x1948 debbie.cahalin-heath@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Davina Blackburn	Regulatory Services Manager	Place	15.06.18	17.06.18
Michelle Rose / Usha Patel	Governance Services Officer	Resources	27.06.18	06.07.18
Tracy Miller	Head of Planning and Regulation	Place	18.06.18	19.06.18
Names of approvers for submission: (officers and members)				
Councillor Khan	Cabinet Member Policing & Equalities	Cabinet Member	25.06.18	25.06.18
Cathy Crosby	Finance	Resources	27.06.18	03.07.18
Gill Carter	Legal	Resources	27.06.18	12.07.18
No HR Issues				
Martin Yardley	Deputy Chief Executive	Place	20.06.18	On Andrew's Approval 27.06.18
Andrew Walster	Director	Place	18.06.18	20.06.18

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