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Licensing and Regulatory Committee  
Cabinet Member for Policing and Equalities  
Council

23rd October 2018  
25th October 2018  
4th December 2018

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities- Councillor Abdul Khan

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**Ward(s) affected:**

All

**Title:**

Gambling Act 2005 - Revised Statement of Gambling Policy

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**Is this a key decision?**

No

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**Executive Summary:**

The purpose of this report is to update Members on the outcome of the 6 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 2019 – 2022.

The revised policy consulted on had no major changes and only contained minor wording proposals. Five consultation responses were received; 4 supported these changes and provided additional minor wording proposals (a summary of which have been outlined in Annex B) and 1 provided no comments/changes.

**Recommendations:**

The Licensing and Regulatory Committee is recommended to:-

1. Consider the results of the consultation, and the proposed changes on the revised Statement of Gambling Policy for the period 2019 - 2022 and notify the Cabinet Member for Policing and Equalities of its comments.

The Cabinet Member for Policing and Equalities is recommended to:-

1. Consider the results of the consultation, and the proposed changes on the revised Statement of Gambling Policy for the period 2019 – 2022 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 2019 - 2022

Appendix B - Summary of consultation responses and changes to the policy

**Other useful background papers:**

Current Gambling Policy

Gambling Act 2005

Gambling Commission - Guidance to Licensing Authorities

Gambling Commissions 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) 26th July 2018 and 25<sup>th</sup> October 2018

Licensing and Regulatory Committee 14<sup>th</sup> August 2018 and 23<sup>rd</sup> October 2018

**Will this report go to Council?**

Yes

4<sup>th</sup> December 2018

## **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 licensing 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 3<sup>rd</sup> January 2016, to cover a period up to 31<sup>st</sup> January 2019.
- 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 26<sup>th</sup> July 2018 and the Licensing and Regulatory Committee on 14<sup>th</sup> August 2018 considered a report on the draft revised Gambling Policy and authorised the Deputy Chief Executive (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 amendments made to the Council's draft Gambling Policy.
- 1.6 There are no major changes to the Policy except some minor wording amendments. 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; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.7 Following public consultation, the revised draft Statement of Gambling Policy is now ready to be recommended for adoption to take effect from 31<sup>st</sup> January 2019 (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 2019 - 2022 and notify the Cabinet Member for Policing and Equalities of its comments.

The Cabinet Member for Policing and Equalities is recommended to:-

1. Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2019 – 2022 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 18<sup>th</sup> September 2018, 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 7<sup>th</sup> August 2018 to 18<sup>th</sup> September 2018 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 Five responses have been received to the consultation and are summarised in Appendix B, with the proposed changes. There are no major changes proposed other than minor wording changes to bring the policy in line with Gambling Commission and industry guidance

### **4. Timetable for implementing this decision**

4.1 The revised Statement of Gambling Policy must be published by 3<sup>rd</sup> January 2019, allowing the Council to continue to carry out any function in respect of applications made under the authority of the Gambling Act 2005 after 31<sup>st</sup> January 2019.

### **5. Comments from Executive Director of Resources**

#### **5.1 Financial implications**

The costs associated with the consultation and publishing of the Licensing Policy can be managed within existing resources.

#### **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 3<sup>rd</sup> January 2019. The statement is one of a number of guidance documents that the licensing authority must aim to make its decisions in accordance with.

Section 25 of the Gambling Act 2005 requires the licensing authority to have regard to the Gambling Commission when making its decisions.

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 full Council.

Any other legal implications relating to the Statement of Gambling Licensing Policy are detailed within the 2005 Act.

#### **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 on 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 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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Andrew Walster	Director (Streetscene & Regulatory Services)	Place	19.09.2018	20.09.2018
Martin Yardley	Deputy Chief Executive	Place	21.09.2018	02.10.2018
Councillor Abdul Khan	Cabinet Member for Policing & Equalities		27.09.2018	27.09.2018

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