

**Council – 4th December, 2018
Recommendation from Cabinet
Member Policing and Equalities –
25th October, 2018**

Coventry City Council

**Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 3.00
pm on Thursday, 25 October 2018**

Present:

Members: Councillor AS Khan (Chair Cabinet Member)
Councillor A Andrews (Shadow Cabinet Member)
Councillor P Akhtar (Deputy Cabinet Member)

Other Members: Councillor N Akhtar – for the matter in minute 27
Councillor O’Boyle – for the matter in minute 27
Councillor McNicholas –for the matter in minute 24

Employees (by Directorate):

People H Shankster
Place D Blackburn, G Carter, S Harriott, G Hood, S Hutt, M
McHugh, M Rose

Apologies: Councillor D Welsh - invited for the matter in minute 27

Public Business

RECOMMENDATION

28. Gambling Act 2005- Revised Statement of Gambling Policy

Further to minute 3/18 the Cabinet Member considered a report of the Deputy Chief Executive (Place) which provided an update for Members on the outcome of the 6 week consultation on the review of the Council’s Statement of Gambling Policy for the Gambling Act 2005. The report recommended for approval, a revised policy for the period 2019 – 2022 which was appended to the report. The report had been considered by the Licensing and Regulatory Committee on 23rd October, 2018 (their minute 44/18 refers) and was due to be considered by Council on 4th December, 2018.

The Gambling Act required each licensing authority to prepare and publish a Statement of Gambling Policy. The policy statement set out how the licensing authority intended to approach its licensing responsibilities and in particular how it intended to promote the three licensing objectives.

The current Gambling Policy came into effect on 3rd January 2016, to cover a period up to 31st January 2019. The policy had to be renewed every three years and be subject to a full consultation process.

The report advised Members of the consultation that had taken place and outlined the comments received and amendments made to the Council's draft Gambling Policy. There were no major changes to the Policy except some minor wording amendments. The general principles of the Gambling Policy remained the same and the document was 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.

The public consultation exercise finished on 18th 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.

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 had been outlined in Appendix B to the report) and 1 provided no comments/changes.

All statutory consultees had 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 7th August 2018 to 18th 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.

Preventing gambling from being a source of crime or disorder was a licensing objective where the Gambling Commission took a leading role. The Commission investigated the suitability of applicants to hold an operators or personal licence. An operator's licence was 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 were strong links between the administration of the licensing process and the role of the Community Safety Partnership and West Midlands Police. The Gambling policy provided information about proposed enforcement protocols with the police and other enforcement authorities. As a Responsible Authority, the Police had been a key consultee.

One of the licensing objectives was 'Protecting children and other vulnerable persons from being harmed or exploited by gambling'. Applicants were required to show how they would address this objective in their risk assessment when making applications.

The Coventry Safeguarding Children Board was a Responsible Authority consulted on when applications were made. They had been made aware of the policy review and had been consulted.

If the Gambling Policy was not renewed in the above timeframe, the City Council would not be able to perform its function under the Act. The consultation process and council meeting dates had been planned to ensure that the policy was in place at the required time.

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

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

Following public consultation, the revised draft Statement of Gambling Policy was now ready to be recommended for adoption to take effect from 31st January 2019 (Appendix A).

Officers reported that there were no further comments to consider from the Licensing and Regulatory Committee on 23rd October, 2018.

The Cabinet Member for Policing and Equalities agreed to 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

RESOLVED that the Cabinet Member for Policing and Equalities recommended that Council adopts the revised Statement of Gambling Policy attached as Appendix A of the report.