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Licensing and Regulatory Committee  
Cabinet Member for Policing and Equalities  
Council

12<sup>th</sup> October 2021  
19<sup>th</sup> October 2021  
7<sup>th</sup> December 2021

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities - Councillor AS Khan

**Director Approving Submission of the report:**

Director of Streetscene and Regulatory Services

**Ward(s) affected:**

All

**Title:**

Gambling Act 2005 - Revised Statement of Gambling Policy 2022 - 2025

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**Is this a key decision?**

No

Although the matters within the report affect all wards in the city, it is not anticipated that the impact will be significant

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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 2022 – 2025.

**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 2022 - 2025 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 2022 – 2025 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 2022 - 2025

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)

Local Area Profile & Risk Assessments

Statement of Principles for Unlicensed Family Entertainment Centres and Prize Gaming Permits

**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) 22<sup>nd</sup> July 2021 and 19<sup>th</sup> October 2021

Licensing and Regulatory Committee 27<sup>th</sup> July 2021 and 12<sup>th</sup> October 2021

**Will this report go to Council?**

Yes

7<sup>th</sup> December 2021

## **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 2019, to cover a period up to 31<sup>st</sup> January 2022.
- 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 22<sup>nd</sup> July 2021 and the Licensing and Regulatory Committee on 27<sup>th</sup> July 2021, considered a report on the draft revised Gambling Policy and authorised the Director of Streetscene and Regulatory Services 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 2022 (Appendix A).

### **2. Options considered and recommended proposal**

- 2.1 The Licensing and Regulatory Committee is recommended to: -
  - 2.1.1 Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2022 - 2025 and notify the Cabinet Member for Policing and Equalities of its comments (attached as Appendix B of the report);
- 2.2 The Cabinet Member for Policing and Equalities is recommended to: -
  - 2.2.1 Consider the results of the consultation on the revised Statement of Gambling Policy for the period 2022 – 2025 and any comments from the Licensing and Regulatory Committee;
- 2.3 Recommend to Council that it adopts the revised Statement of Gambling Policy attached as Appendix A of the report.
  - 2.3.1 Council is recommended to: -

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 13<sup>th</sup> September 2021, and included the following elements: -

- Mail shots to operators
- Notification to the responsible authorities
- Mail shots to trade organisations and religious 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 2<sup>nd</sup> August 2021 to 13<sup>th</sup> September 2021 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 these are summarised in Appendix B. After considering these comments it is proposed that no further changes are required for the policy, and the reasoning for this is outlined in Appendix B. Therefore, the only proposed changes to the policy are minor wording amendments.

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

4.1 The revised Statement of Gambling Policy must be published by 3<sup>rd</sup> January 2022, 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 2022.

### **5. Comments from Director of Finance and Director of Law and Governance**

#### **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 gambling 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 3<sup>rd</sup> January 2022. 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.

## **6. 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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