
Cabinet Member for Policing & Equalities
Licensing & Regulatory Committee

1st August 2024
6th August 2024

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor AS Khan

Director Approving Submission of the report:

Director of Law and Governance

Ward(s) affected:

All

Title:

Gambling Act 2005 – Review of Gambling Policy Statement of Principles 2025 - 2028

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.

Executive Summary:

The purpose of this report is to seek Members' views and approval to consult on the draft revised Gambling Policy Statement of Principles 2025 – 2028 under the Gambling Act 2005.

Recommendations:

Cabinet Member for Policing and Equalities is requested to:

Consider the draft revised Gambling Policy Statement of Principles and authorise the Director of Law & Governance to carry out the consultation as detailed in the report.

Licensing & Regulatory Committee is requested to:

Consider the draft Gambling Policy Statement of Principles and forward any comments it wishes to make as part of the consultation process.

List of Appendices included:

Appendix 1 - Revised Gambling Policy Statement of Principles 2025 - 2028 (shaded paragraphs illustrate the amendments to the document)

Appendix 2 – Local Area Profile

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 & Regulatory Committee – 6th August 2024

Will this report go to Council?

Yes

1. Context (or background)

- 1.1 Under the terms of the Gambling Act 2005 the Council's Gambling Policy Statement of Principles has to be renewed every three years. The current Gambling Policy Statement of Principles came into effect on 31st January 2022 and a review must therefore be completed. There is a requirement in the Act for the Council to publish and advertise the revised Gambling Policy Statement of Principles at least 4 weeks before, by 3rd January 2025.
- 1.2 The Gambling Policy Statement of Principles 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 2025.
- 1.3 The general principles of the Gambling Policy Statement of Principles remain the same and the document is still centered 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 9th August 2024, for a 6 week period and finish on the 20th September 2024 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, places of worship; and
 - Wider public consultation through the City Council Website.
- 1.7 The revised policy complies with updated Gambling Commission guidance and regulations. It has been developed with all 6 Warwickshire Licensing Authorities (Warwickshire County Council, North Warwickshire Borough Council, Nuneaton & 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 Appendix 1.

Key Changes to the Revised Gambling Policy

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

- 1.9 There are potential forthcoming changes which are under review from the Gambling Commission, but at this stage full details of these changes have not been confirmed. The proposed changes include Improving consumer choice on direct marketing, strengthening age verification in premises, amending and introducing new requirements on remote game design, remote gambling (financial vulnerability checks and financial risk assessments). Once these changes have been implemented a further review of the policy will take place.

2. Options considered and recommended proposal.

- 2.1 The Cabinet Member for Policing and Equalities is requested to consider the draft revised Gambling Policy Statement of Principles and authorise the Director of Law & Governance to carry out the consultation as detailed in the report.
- 2.2 The Licensing and Regulatory Committee is requested to consider the draft revised Gambling Policy Statement of Principles 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 7th October 2024 before a finalised policy document is presented to Full Council for approval on 15th October 2024.

4. Timetable for implementing this decision.

- 4.1 The revised Gambling Policy Statement of Principles must be published by 3rd January 2025 and commence from 31st January 2025, 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 Interim Director of Finance & Resources (Section 151 Officer) and Director of Law & 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 Gambling Policy Statement of Principles.

5.2 Legal implications

The Council will not be able to undertake its role as a Licensing Authority after the 31st January 2025 unless it has approved and published its revised Gambling Policy Statement of Principles. 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, 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 its Gambling Policy Statement of Principles.

6. Other implications

6.1 How will this contribute to achievement of the One Coventry 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 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.

This aligns with the One Coventry Plan and the following delivery priorities,

- Improving outcomes and tackling inequalities within our communities
- Improving the economic prosperity of the city and regions

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 Gambling Policy Statement of Principles 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 Gambling Policy Statement of Principles 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 (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

The Gambling Policy contributes towards the work of the Community Safety Partnership and specifically with the work of the police.

6.7 Human Rights Act Implications

None

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Davina Blackburn	Strategic Lead of Regulation & Communities	Regulatory Services	15/07/2024	17/07/2024
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Names of approvers for submission: (officers and members)				
Amy Wright	Regulatory Lawyer	Law and Governance	16/07/2024	17/07/2024
Richard Shirley	Lead Accountant	Finance	17/07/2024	17/07/2024
Julie Newman	Chief Legal Officer	Law & Governance	19/07/2024	24/07/2024
Cllr A S Khan	Elected Member	Cabinet Member for Policing & Equalities	19/07/2024	24/07/2024

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