
Licensing & Regulatory Committee
Cabinet Member for Policing & Equalities
Full Council

19th November 2024
25th November 2024
3rd December 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 update Members of the outcome of the six-week consultation undertaken on the review of the Council's Gambling Policy Statement of Principles for the Gambling Act 2005 and to recommend for approval, a revised policy for the period 2025 – 2028.

Recommendations:

Licensing & Regulatory Committee is recommended to:

1. Consider the results of the consultation, and the proposed changes on the revised Gambling Policy Statement of Principles for the period 2025 – 2028 and notify the Cabinet Member for Policing & Equalities of its comments.

Cabinet Member for Policing and Equalities is recommended to:

1. Consider the results of the consultation, and the proposed changes on the revised Gambling Policy Statement of Principles for the period 2025 – 2028 and any comments from the Licensing & Regulatory Committee.
2. Recommend to Council that it adopts the Gambling Policy Statement of Principles attached as Appendix A of the report.

Council is recommended to:

1. Adopt the revised Gambling Policy Statement of Principles attached as Appendix A of the report.

List of Appendices included:

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

Appendix B – Summary of consultation responses and changes to the policy.

Appendix C – Local Area Profile & risk assessments.

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

Cabinet Member for Policing & Equalities – 1st August 2024 & 25th November 2024

Licensing & Regulatory Committee – 6th August 2024 & 19th November 2024

Will this report go to Council?

Yes

3rd December 2024

1. Context (or background)

- 1.1 The Gambling Act 2005 requires each Licensing Authority to prepare and publish a Gambling Policy Statement of Principles. The policy sets out how the licensing authority intends to approach its licensing responsibilities and how it intends to promote the three licensing objectives.
- 1.2 The current Gambling Policy came into effect on 3rd January 2022, to cover a period up to 31st January 2025.
- 1.3 This policy must be renewed every three years and be subject to a full consultation process.
- 1.4 Cabinet Member for Policing & Equalities on 1st August 2024 and Licensing & Regulatory Committee on 6th August 2024, considered a report on the draft revised Gambling Policy Statement of Principles and authorised the Director of Law & Governance to consult on its contents.
- 1.5 This 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 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.
- 1.7 Following public consultation, the revised draft Gambling Policy Statement of Principles is now ready to be recommended for adoption to take effect from 31st January 2025 (Appendix A).

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 The Gambling Commission have confirmed the following changes to Gambling Regulations have been made:
 - 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).
- 1.10 The changes that directly affect land based gambling include strengthening age verification in premises. Section 7 in the Gambling Policy relates to the criteria that premises are required to meet to protect children & young persons from being harmed or exploited by gambling.

2. Options considered and recommended proposal.

2.1 The Licensing & Regulatory Committee is recommended to:

Consider the results of the consultation on the revised Gambling Policy Statement of Principles for the period 2025 – 2028 and notify the Cabinet Member for Policing & Equalities of its comments (Appendix B).

2.2 The Cabinet Member for Policing & Equalities is recommended to:

1. Consider the results of the consultation of the revised Gambling Policy Statement of Principles for the period 2025 – 2028 and any comments from the Licensing & Regulatory Committee.
2. Recommend to Council that it adopts the revised Gambling Policy Statement of Principles for the period 2025 – 2028.

2.3 Council is recommended to:

1. Adopt the revised Gambling Policy Statement of Principles 2025 – 2028 (Appendix A).

3. Results of consultation undertaken

3.1 The public consultation ended on 20th September 2024 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 letter with a link to the revised Gambling Policy Statement of Principles 2025 – 2025 on the Council's website. The consultation was made available from 9th August 2024 – 20th September 2024. The link 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 this is summarised in Appendix B. After considering the comments it is proposed that the following amendments be made:

- Paragraph 11 Provisional Statements has been added;
- Paragraph 19 Adult Gaming Centre has been added;
- Paragraph 30, has been amended to include the Regulators Code.

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 Director of Finance 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 has been 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

Report author(s):

Name and job title:

Rekha Masih, Licensing Team Leader

Service: Regulatory Services

Telephone: 024 7697 2247

Email: rekha.masih@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
Contributors:				
Tom Robinson/Carolyn Sinclair	Governance Services Officer	Law and Governance	31/10/24	31/10/24
Debbie Cahalin-Heath	Strategic Manager - Regulation & Communities	Regulatory Services	20/10/24	24/10/24

Davina Blackburn	Strategic Lead - Regulation & Communities	Regulatory Services	25/10/24	28/10/24
Names of approvers for submission: (officers and members)				
Amy Wright	Regulatory Lawyer	Law and Governance	31/10/24	31/10/24
Richard Shirley	Lead Accountant	Finance	31/10/24	31/10/24
Julie Newman	Director of Law and Governance	Law & Governance	01/11/24	04/11/24
Cllr A S Khan	Elected Member	Cabinet Member for Policing &	01/11/24	06/11/24

		Equalities		
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