

<b>SUBJECT:</b>	<b>GAMBLING ACT 2005 TRIENNIAL REVIEW OF STATEMENT OF LICENSING POLICY</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES &amp; ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>IAN CULLEN, LICENSING TEAM LEADER</b>

## **1. Purpose of Report**

- 1.1 To update Licensing Committee on the result of the consultation of the Statement of Licensing Policy (the Policy) under the Gambling Act 2005 ('the Act').

## **2. Executive Summary**

- 2.1 An updated Statement of Licensing Policy under the Gambling Act 2005 has been out for consultation.
- 2.2 Following feedback from various stakeholders, approval is sought to forward the amended Policy to Full Council for adoption.

## **3. Background**

- 3.1 The Act requires that the Licensing Authority publish its Statement of Licensing Policy at least every three years. The date for publishing is on or before the 31 January 2019.
- 3.2 Core to the Gambling Act are the licensing objectives. These are:
- 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 manner;
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 The draft Policy was forwarded to a total of 51 persons/organisations and to every member of the Licensing Committee. The Policy was also placed on the Councils website. A copy of the revised Policy can be seen at Appendix A
- 3.4 The list of persons consulted when reviewing the gambling policy was deliberately wide. This enables the licensing authority to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the policy.
- 3.5 The consultation period commenced on 21<sup>st</sup> August 2018 and ended on the 2<sup>nd</sup> October 2018. A total of 5 responses were received.

### 3.6 The Gambling Commission Guidance to licensing authorities states:

In determining its statement of policy, the licensing authority must give appropriate weight to the views of those it has consulted. In deciding what weight to give, the factors to be taken into account include:

- who is making the representations, the nature of their interest and their expertise
- relevance of the factors to the licensing objectives
- how many other people have expressed the same or similar views
- how far the representations relate to matters that the licensing authority should be including in its policy statement.

## 4. Consultation Results

- 4.1 The first response received was on behalf of the Racecourse Association, they thanked us for inclusion in the consultation, however would not be responding due to there being no venues in the district to which they have an interest. (Appendix B)
- 4.2 The second response was on behalf of Gambleaware. They were thankful of inclusion in the consultation and rather than comment directly about the policy they offered guidance, recommending two recent documents published by the Local Government Association. (Appendix C)
- 4.3 The comments from Gambleaware were appreciated and acknowledged, however it was felt that the documents did not need incorporating into the policy but would serve as a valuable tool alongside the policy when performing functions under the Act.
- 4.4 The third response was from Gamcare who again thanked us for their inclusion in the consultation. They weren't able to comment directly about the document but instead offered general advice. Again their comments were appreciated however it was felt many of the considerations were already addressed in the policy statement. (Appendix D)
- 4.5 The fourth response was from the City of Lincoln Council Policy team. Their comments referred to the Council operating a 'Local Authority Lottery' and questioned the references in the document to remote gambling. It was explained that the Council's Community Lottery is regulated by the Gambling Commission and therefore it is not a consideration for the local authority acting as the 'Licensing Authority'. Consequently no amendment was necessary to section 8.2 of the Policy. (Appendix E)
- 4.6 The final response received was a letter from Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB). Their response gives an overview of the work of the ABB and also makes some specific comments on the draft policy. (Appendix F)
- 4.7 Contact was made with the author of the letter and the points raised were discussed as presented below.

- 4.8 The comments regarding the final bullet points in paragraph 1.7 of the policy document were discussed and agreement was reached that individuals fulfilling these demographics were not being pre-determined as automatically vulnerable, however sufficient research and statistical evidence does exist to show they are at higher risk and therefore it was decided that the points should remain.
- 4.9 The suggestion for the removal of the penultimate sentence of paragraph 1.18 was taken on board, however because the sentence refers to potential future amendments to the legislation it was felt unnecessary to exclude it from the document. Furthermore were there to be an amendment to the legislation then this policy document would likely be re-examined.
- 4.10 The references to a proof of age scheme throughout the document have been amended to ensure there is consistency within the policy.
- 4.11 A further point raised in the response from Gosschalks refers to paragraphs 1.28 to 1.34 of Part B of the Policy document. Clarity was sought on the imposition of conditions on premises licences. It was felt that paragraphs 1.1 to 1.9 of Part B addressed the points raised in the letter and give sufficient guidance on how the Authority would approach each application.
- 4.12 The comments regarding paragraph 6.1 of the policy document were noted and the paragraph has been reworded to provide clarity.
- 4.13 No other responses were received during the consultation period.

## **5. Strategic Priorities**

### **5.1 Let's drive economic growth**

By keeping the statement of policy up to date it will ensure that there is clear guidance for local businesses.

### **5.2 Let's reduce inequality**

Protecting vulnerable people is a key objective of the Act. This Statement of Licensing Policy should ensure that the licensing objectives are promoted and the most vulnerable are protected.

### **5.3 Let's deliver quality housing**

N/A

### **5.4 Let's enhance our remarkable place**

N/A

### **5.5 High performing services**

N/A

## **6. Organisational Impacts**

### **6.1 Finance (including whole life costs where applicable)**

Cost of consultation and printing of Policy can be contained within the current licensing budget.

### **6.2 Legal Implications including Procurement Rules Gambling Act 2005 section 349.**

A licensing authority shall before each successive period of three years –

- a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
- b) publish the statement.

If the Council fails to introduce its reviewed Policy by the 31 January 2019, it cannot function as the Licensing Authority under the Gambling Act 2005.

Additionally, the Licensing Authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action proportionate to what it wishes to achieve?

### **6.3 Equality, Diversity and Human Rights**

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

The statement of policy shall ensure that the licensing function is conducted in a fair and transparent way.

The licensing policy provides transparency for everyone, including local residents and applicants for premises licences, who will be able to refer to the statement when making representations or when preparing their applications. There is therefore not a need to complete an Equality Impact Assessment as there are no specific impacts on anyone who has a protected characteristic

## **7. Risk Implications**

### **7.1 (i) Options Explored**

### **7.2 (ii) Key risks associated with the preferred approach**

## 8. Recommendation

8.1 The Committee is asked to:

- approve the draft policy; and
- recommend it to Full Council for adoption

**Is this a key decision?** No

**Do the exempt information categories apply?** No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?** No

**How many appendices does the report contain?** 6

**List of Background Papers:** Appendix A – Draft Policy document  
Appendix B – Response Racecourse Association  
Appendix C – Response Gambleaware  
Appendix D – Response Gamcare  
Appendix E – Response City of Lincoln Council Policy  
Appendix F – Response Gosschalks

**Lead Officer:** Ian Cullen, Licensing Team Leader  
Telephone (01522) 873714