

Allerdale Borough Council

Licensing Committee – 3 October 2018

Council – 5 December 2018

Statement of Gambling Policy Review 2019

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<b>The Reason for the Decision</b>	<b>To consider responses to the statutory consultation for the review of the Gambling Licensing policy and to recommend a new policy</b>
<b>Summary of options considered</b>	<b>To review the responses and determine the approval of any amendments for inclusion</b>
<b>Recommendations</b>	<b>1) To approve the policy incorporating amendments contained in Appendix 1 and the recommendations in Appendix 2; and  2) To approve officers compiling Local Area Profiles for approval by the Licensing Committee for inclusion in the policy on completion.</b>
<b>Financial/ Resource Implications</b>	<b>Costs incurred with consultation</b>
<b>Legal Implications</b>	<b>The Council's Policy must be reviewed and published by 3 January 2019 in accordance with the Gambling Act 2005</b>
<b>Community Safety Implications</b>	<b>The policy promotes the licensing objectives of the Gambling Act 2005 contained in paragraph 2.1 of this report</b>
<b>Health and Safety and Risk Management Implications</b>	<b>As above</b>
<b>Equality Duty considered / Impact Assessment completed</b>	<b>Considered and felt no issues arising from the report</b>
<b>Wards Affected</b>	<b>All</b>
<b>The contribution this decision would make to the Council's priorities</b>	<b>N/A</b>
<b>Is this a Key Decision</b>	<b>Yes</b>
<b>Portfolio Holder</b>	<b>Councillor J Ellis</b>

## **Report Implications**

Community Safety	Y	Employment (external to the Council)	Y
Financial	Y	Employment (internal)	N
Legal	Y	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	Y

Background papers :

Appendix 1 – Amendments made by Senior Licensing Officer Prior to Consultation

Appendix 2 - Consultation Responses

Appendix 3 – Proposed changes to Sections 9 and 10 of the Policy

Appendix 4 – Draft Gambling Policy

### **1.0 Introduction**

1.1 Section 349 of the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under this Act. This is valid for a three year period. The first statement was effective from 31 January 2007 and was prepared by the six district councils in Cumbria working together to achieve consistency across Cumbria. Despite the current draft statement not being prepared as a Cumbrian document, partnership working has continued in the sharing of consultation responses for this latest document being effective from 31 January 2019. This report contains the results of the consultation and assessments of responses for this Committee's consideration.

### **2.0 Consultation on Statement of Principles (Gambling Policy) 2019-2022**

2.1 In preparing the statement of principles, licensing authorities are required to:

- Adhere to regulations issued by the Secretary of State;
- Consider guidance issued by the Gambling Commission; and
- Recognise the need to be reasonably consistent with the licensing objectives where applicable.

The three licensing objectives 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 way;
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2 Before determining its policy and in order to comply with statutory requirements, the Council consulted with:
- The Chief Officer of Police for the area;
  - People who appear to the authority to represent the interests of those carrying on gambling businesses in the authority's area; and
  - People who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 2.3 Prior to the consultation, amendments were made to the draft policy which are contained in Appendix 1 to this report. These mainly reflect updates to contact details, changes to reference documents and dates and the insertion of a section about small society lotteries which was previously omitted. The draft policy at Appendix 4 already contains these changes.
- 2.4 The consultation was carried out between 15 August 2018 and 28 September 2018. A list of consultees is provided in Appendix 1 of the policy. Following the close of consultation careful consideration was given to each of the responses received. The responses with recommendations in accordance with the Gambling Act and the Gambling Commission's guidance to Licensing Authorities are contained in Appendix 2. The draft policy which does **not** contain the recommended amendments is attached at Appendix 4.
- 2.5 One of the main changes to the policy is to sections 9 and 10. Both Gamcare and the Gambling Commission have commented that there is limited information currently in the policy regarding the Council's expectations of what an applicant's risk assessment would contain. Following the recommendation of the Gambling Commission Appendix 3 has been prepared which contains at section 9 factors to be taken into consideration when risk assessments are being prepared. Section 10 refers to Local Area Profiles. Although not mandatory, it is helpful for local authorities to map out the key characteristics of the local landscape. This will be a not insubstantial piece of work and cannot be completed in time for the publishing of this policy. However, it is recommended that officers compile the profiles and present them to the Licensing Committee for approval to add into the policy upon completion. Appendix 3 has therefore been prepared to replace the current sections 9 and 10 of the policy.
- 2.6 The Licensing Committee is asked to examine the draft policy and responses and determine the approval of any amendments for inclusion. This item will be presented to Council in accordance with the constitution. The revised licensing policy statement will be published in line with statutory requirements i.e. on or before 3 January 2019 and will be effective from 31 January 2019.

3.0 Recommendation

- 3.1 1) To approve the policy incorporating amendments contained in Appendix 1 and the recommendations in Appendix 2; and
- 2) To approve officers compiling Local Area Profiles for approval by the Licensing Committee for inclusion in the policy on completion.

**G Collinson**  
**Senior Licensing Officer and Compliance Officer**