

# Allerdale Borough Council

Licensing Committee – 28 October 2021

Council – 8 December 2021

## Gambling Policy Review 2022-2025

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<b>Portfolio holder</b>	Councillor Colin Sharpe Portfolio Holder for Legal and Finance
<b>Report from</b>	Gillian Collinson – Senior Licensing & Compliance Officer
<b>Wards affected</b>	All Wards
<b>Is this a key decision</b>	Yes

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### 1.0 The reason for the decision

- 1.1 To consider the amendments made in formulating the draft gambling policy, together with comments received in response to the statutory consultation, and to recommend a new policy.

### 2.0 Recommendations

- 2.1 To recommend a new Gambling Policy for 2022 – 2025 following:
- 2.1.1 Consideration and acceptance of the amendments made by the Senior Licensing & Compliance Officer as highlighted in red in the draft policy at appendix 2; and
  - 2.1.2 Consideration of the responses received to the statutory consultation for inclusion in the new policy as contained in appendix 1.

### 3.0 Background and Introduction

- 3.1 Section 349 of the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of the principles that they propose to apply when exercising their functions under this Act. This is valid for a three year period. The first statement was effective from 31 January 2007 and has been reviewed every three

years since. This report contains the draft document consulted on, the results of the consultation and assessments of the responses for the Committee's consideration.

#### **4.0 Consultation on Statement of Principles (Gambling Policy) 2022-2025**

4.1 Prior to consultation, a draft policy was drawn up, taking into consideration the latest guidance to Local Authorities issued by the Gambling Commission. The amendments are highlighted in red in the draft document.

4.2 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.

4.3 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.4 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.

4.5 The consultation period was from 12 August 2021 to 30 September 2021. The list of persons to be consulted is deliberately wide. This enables licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in their policy statement. A list of consultees is contained in Appendix 1 of the draft policy. In addition the consultation was advertised on the Council's website, in a business newsletter which has 2400 subscribers, on the Council's Facebook page, LinkedIn page and Allerdale Business Community Facebook in an aim to reach as many businesses and individuals as possible.

4.6 In determining its policy statement, 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.

A licensing authority should always be able to give reasons for the decisions it has made following consultation.

4.7 Following the close of the 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 1. The draft policy which does **not** contain the recommended amendments is attached at appendix 2. The response received from Gosschalks Solicitors has been submitted on behalf of their client the Betting and Gaming Council and is attached at appendix 3.

4.8 In accordance with the Council's Constitution, the Licensing Committee's recommendations will be presented to Council on 8 December 2021. It will then be published in accordance with The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 on or before 3 January 2022 and will be effective from 31 January 2022.

## **5.0 Delivery arrangements**

5.1 The reviewed policy will be used by officers, applicants, the Licensing Panel, members of the public and other departments and agencies in the day-to-day administration of the gambling function.

## **6.0 Implications and Impact**

### **6.1 Contribution to Council Strategy Priorities, Outputs and Outcomes**

Thriving towns and villages: Providing quality facilities for residents and visitors to the area. Supporting businesses with advice whilst having the relevant protections in place to promote the three licensing objectives.

### **6.2 Finance/Resource implications**

The resource required to review the policy can be recovered through fees and charges.

### **6.3 Legal and governance implications**

There are no legal and governance implications arising from the report. The relevant legislation in respect of formulating and reviewing the gambling policy is contained within the Gambling Act 2005 and The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

## 6.4 Risk analysis

A scored and mitigated risk log

<b>Risk</b>	<b>Consequence</b>	<b>Controls required</b>	<b>Mitigated score</b>
Guidance is issued to the Licensing Authorities by the Gambling Commission and the changes are statutory.	<p>There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters</p> <p>There is also the risk of judicial review if the policy is found not to comply with the requirements of the Gambling Act 2005 and associated legislation, regulations and guidance.</p>	<p>Council will have an adopted policy in place which is clear and transparent, to advise applicants, objectors, elected members and officers of the Council when implementing the provisions of the Gambling Act 2005</p> <p>Ensure consistency of licensing function by the Council in the exercise of its duties</p>	1

## 6.5 Increasing satisfaction and service

The purpose of the Statement of Principles (Gambling Policy) is to provide a framework for the Licensing Authority in relation to the carrying out of their functions under the Gambling Act 2005. It provides information to those who run gambling premises, their legal advisors and the general public, thereby assisting with the application process. It improves transparency by demonstrating a consistent approach to the application of licensing powers, promoting fairness and equal treatment which is particularly relevant for licence holders having numerous premises across the authority area. By highlighting best practice expected across our licensed premises, this achieves consistency and visitors and customers can feel safe and secure.

## 6.6 Equality impacts

There are no equality implications arising from this report.

## 6.7 Health and Safety impacts

There are no Health and Safety implications arising from this report.

## 6.8 Health, wellbeing and community safety impacts

Gambling can lead to a form of addiction and have serious consequences for individuals and family life. Ensuring all the licensing objectives illustrated in paragraph 4.3 of this report are promoted, together with appropriate advisory and

compliance work, will reduce the risk of the potential adverse impact of gambling activities.

#### **6.9 Environmental/sustainability impacts**

There are no such implications arising from this report.

#### **6.10 Other significant implications**

N/A

#### **Appendices attached to this report**

<b>Appendix number</b>	<b>Title of appendix</b>
1	Responses to consultation
2	Draft gambling policy
3	Letter from Gosschalks Solicitors dated 23 September 2021

#### **Background documents available**

<b>Name of background document</b>	<b>Where it is available</b>
N/A	

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