

LICENSING COMMITTEE



Report subject	BCP Council Gambling Act – Statement of Licensing Principles
Meeting date	16 September 2021
Status	Public Report
Executive summary	The Council is required to publish a Statement of Licensing Principles under section 349 of the Gambling Act 2005 (the Act) every three years. The purpose of the Statement is to define how the Licensing Authority will exercise its responsibilities under the Act. This will be the first Statement of Licensing Principles to be published by BCP Council since its creation in April 2019. The draft policy has been prepared by officers for consideration and amendment by the Licensing Committee ahead of required public consultation for 12 weeks.
Recommendations	It is RECOMMENDED that: Members consider the draft policy as presented, make any amendments they consider appropriate and then agree for the 12 week required public consultation to begin as soon as is practicable.
Reason for recommendations	Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Licensing Principles that they propose to apply in exercising their functions under the Act. The Statement of Licensing Principles is reviewed every three years and reflects the expectations placed on local operators by the Licensing Authority in making applications and maintaining licences.

Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan- Chief of Operations
Report Authors	Nananka Randle, Licensing Manager
Wards	Council-wide
Classification	For Recommendation and Decision

Background

1. The Gambling Act 2005 (the Act) requires Licensing Authorities to prepare and publish a Statement of Licensing Principles (Statement of Gambling Policy) which is reflective of local issues, local data, local risk and the expectations that the Licensing Authority has of operators.
2. The Statement of Gambling Policy is one means, by which the Licensing Authority can make clear their expectations of gambling operators and pubs and clubs who site gaming machines, so they can proactively mitigate risks to the licensing objections, namely
 - a. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - b. ensuring that gambling is conducted in a fair and open way; and
 - c. protecting children and other vulnerable persons from being harmed or exploited by gambling.
3. The purpose of the Statement of Gambling Policy is to reflect the local gambling concerns and circumstances, set out the Council's wider strategic objectives and provide a point of reference for gambling activity.
4. In addition to setting out how the Licensing Authority intends to promote the licensing objectives, and the Authority's expectations of licensed premises operators and applicants, the Authority is also able to direct licence holders and applicants to conduct Local Area Risk Assessments based on the risks present within the locality of the premises.
5. As required by the Act and guidance issued by the Gambling Commission, the Council, in carrying out its licensing functions under the Act will aim to permit the use of premises for gambling as long as it is considered to be:
 - In accordance with any relevant code of practice issued by the Gambling Commission,
 - in accordance with any relevant guidance issued by the Commission,
 - reasonably consistent with the licensing objectives and
 - in accordance with this Policy Statement published under section 349 of the Act.

6. Nothing in the Statement of Principles will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in the draft Statement of Principles will undermine the right of any person to make representations to an application or seek a review of a licence where there is a legal power to do so.
7. Historically there have been separate Policies published by the legacy councils of Bournemouth Borough Council, Christchurch Borough Council and Borough of Poole Council.
8. Appendix 1 has the most recent version of the legacy Bournemouth Borough Council policy dated 2019
9. Appendix 2 has the most up to most recent version of the legacy Borough of Poole policy dated 2016
10. Appendix 3 has the most recent draft version of the legacy Christchurch Borough Council Policy dated 2016.
11. These policy documents were referred to when compiling the proposed draft BCP council Policy

Consultation

12. The consultation process is set out clearly in the Act, *The Gambling Act (Licensing Authority Policy Statement) England and Wales Regulations 2006* and the Guidance for Licensing Authorities issued by the Gambling Commission which was last updated on 13th May 2021
13. The consultation will be hosted by the Performance team and direct consultation, to obtain a range of views from people and organisations including
 - The Gambling Commission
 - Representatives of local businesses
 - Local residents and their representatives
 - Local Councillors • Parish and town councils • Local members of parliament
 - Representatives of existing licence holders including Trade representatives and Licensing Solicitors
 - Dorset Police
 - Dorset Police and Crime Commissioner
 - Dorset & Wiltshire Fire and Rescue Service
 - Public Health Dorset
 - Charitable organisations that deal with the social impact of gambling addiction
 - Gambling Support Services
 - Other charitable organisations
 - Adjoining Councils
 - HMRC
 - BCP Council - Environmental Health, Planning Authority, Children's Services, and Trading Standards

14. Appendix 5 has an up-to-date list of the proposed direct consultees, officers have consulted previous consultee lists and reviewed these to ensure up to date contact addresses and organisations.
15. Once consultation is complete the responses will be analysed and amendments to the policy will be considered by the Licensing Committee ahead of agreeing the final version to be recommended to full Council

Options appraisal

16. Members are asked to consider the draft policy and
 - a. Agree the draft policy and direct consultee list as presented **or**
 - b. Agree any amendments to the draft policy and consultee list **and**
 - c. Agree to public consultation for 12 weeks of the agreed draft policy.
 - d. Agree to the formation of a member working party to discuss consultation feedback ahead of reporting back to Licensing Committee to agree a final version of the policy.

Summary of financial implications

17. The funding for the preparation and consultation of this policy will come from within existing budgets and there are no financial implications arising from this report.

Summary of legal implications

18. It is a legal requirement to produce and reissue the policy every three years. The Legal advisor has reviewed the draft policy. Failure to produce a new policy can put the council at risk of judicial review.

Summary of human resources implications

19. Not applicable

Summary of sustainability impact

20. Not applicable

Summary of public health implications

21. One of the licensing objectives is to protect children and vulnerable adults from harm or exploitation from gambling. Public Health will be consulted for their views ahead of the final version of the policy being agreed.

Summary of equality implications

22. A full EIA is being drafted as part of this process. It will be submitted to the EIA panel in due course.

Summary of risk assessment

23. Not applicable

Background papers

- Gambling Act 2006

<https://www.legislation.gov.uk/ukpga/2005/19/contents>

The Gambling Act (Licensing Authority Policy Statement) England and Wales
Regulations 2006

<https://www.legislation.gov.uk/uksi/2006/636/contents/made>

Guidance for Licensing Authorities

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

BCP Council – Local Area Profile

<https://www.bcpCouncil.gov.uk/Business/Licences-and-permits/Documents/Gambling/Local-Area-Profile-LAP.pdf>

Appendices

Appendix 1 – Bournemouth Borough Council Policy 2019

Appendix 2 – Borough of Poole Policy 2016

Appendix 3 – Christchurch Borough Council Policy 2016

Appendix 4- Draft BCP Council – Gambling Act 2005 – Statement of Licensing Principles

Appendix 5 – Consultee List