

# LICENSING COMMITTEE



Report subject	<b>Statement of Licensing Principles- Gambling Act Policy 2022 - 2025</b>
Meeting date	10 March 2022
Status	Public Report
Executive summary	<p>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 was approved by committee on 16<sup>th</sup> September 2021 and public consultation took place for 12 weeks between October and December 2021.</p> <p>In total 9 responses were received, and these were considered by a member's workshop on 26<sup>th</sup> January 2022. The draft policy is now offered for final consideration by the committee taking into account the consultation responses received and any recommendations put forward from the member's workshop.</p>
Recommendations	<p><b>It is RECOMMENDED that members consider the public consultation and recommendations put forward by the members workshop and either</b></p> <ul style="list-style-type: none"><li><b>I. Agree the final version of the policy as presented</b></li><li><b>II. Amend the policy and agree final wording of policy</b></li></ul>
Reason for recommendations	<p>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.</p>

Portfolio Holder(s):	Councillor Bobbie Dove - Community Safety and Regulatory Services
Corporate Director	Jess Gibbons - Chief Operations Officer
Report Authors	Nananka Randle – Interim Head of Service - Licensing
Wards	Council-wide
Classification	For 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.

### **Consultation responses**

7. The Licensing Committee agreed the draft policy on 16<sup>th</sup> September 2021 and a 12-week consultation period started on 8<sup>th</sup> October and ended on 31 December 2021. The consultation was hosted by the Insight, Policy and Performance team on the council's consultation pages. The public were advised of the consultation via the councils Facebook page.
8. In addition, the Licensing Manager emailed the consultation directly to statutory and other identified interested groups (as set out in Appendix 1) on the 8<sup>th</sup> October 2021.
9. 8 responses were received via the consultation pages and 1 direct response to the Licensing Manager. Each response has been given a reference A-I.
10. The Insight, Policy and Performance team confirmed that due to the low number of responses there was not enough information to provide any demographic breakdown on the responses. The responses received were from 7 individuals, and the Police and Crime commissioner (PCC). (see Appendix 2)
11. The direct response to the Licensing Manager was from Gosschalks solicitors on behalf of the Betting and Gaming Council (see Appendix 3)

### **Consultation Consideration and recommendations**

12. The members workshop consisting of Councillors Butt, Bagwell, Kelsey, Johnson, Williams met on 26<sup>th</sup> January 2022 and considered all the responses received. The discussion and any subsequent recommendations are contained in the Appendix 4)
13. The current draft version of the report with highlighted yellow sections where changes have been suggested by the consultation feedback or as detailed below is attached at Appendix 5.
14. During this workshop the legal advisor also made some suggested amendments to the wording of sections connected to the feedback. These are as follows
15. Paragraph 1.4 amend the last bullet point to add wording *subject to the above bullet points* as highlighted in the policy document.
16. In connection to the recommended amendment to paragraph 18.1 within the consultation responses and member workshop comments it is also proposed to amend the wording of paragraphs 14.15 and 15.8 to make reference to the Local Risk Assessments as highlighted in the policy document.
17. The current wording of paragraph 19.1 does not make sense. It is suggested that the word *most* is deleted.

### **Options Appraisal**

18. Members are asked to consider the draft policy together with the consultation feedback responses and either
  - a. Agree the final version of the policy as presented, or

- b. Amend the policy and agree final version of the policy.
- 19. Once the final version of the policy has been agreed it will be presented to Full Council on 27<sup>th</sup> April for ratification.

#### **Summary of financial implications**

- 20. The Licensing Committee, at its meeting on 10th December 2020 agreed the fee structure for BCP. All costs in the implementation of this policy will be covered by the fees which are set on a cost recovery basis.

#### **Summary of legal implications**

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

#### **Summary of human resources implications**

- 23. The policy will be administered within existing team resources.

#### **Summary of sustainability impact**

- 24. Not applicable

#### **Summary of public health implications**

- 25. One of the licensing objectives is to protect children and vulnerable adults from harm or exploitation from gambling.

#### **Summary of equality implications**

- 26. A full Equalities Impact Assessment (EIA) has been undertaken.
- 27. The BCP Council EIA panel reviewed the EIA documentation (Appendix 6) on 24<sup>th</sup> February 2022 and the document was approved.

#### **Summary of risk assessment**

- 28. As with any policy, this will be open to potential review.
- 29. A clear and transparent process has been followed to develop the policy.
- 30. Evidence has been sort from the public, campaign groups, the Police and partners. However, following a clear process may not be sufficient to mitigate against a challenge.

#### **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

[Local Area Profile \(LAP\) \(bcpcouncil.gov.uk\)](http://bcpcouncil.gov.uk)

## **Appendices**

Appendix 1– direct consultation list

Appendix 2– consultation website responses received

Appendix 3– direct consultation response from Gosschalks

Appendix 4– consultation responses and recommendations from the member's workshop

Appendix 5 – policy documents with highlights for ease of reference

Appendix 6– EIA documentation