

# Licensing Committee

## 22 October 2020

### Statement of Gambling Licensing Policy 2021-2024

## For Recommendation to Council

**Portfolio Holder:** Cllr J Haynes, Customer and Community Services

**Local Councillor(s):** Relevant to all Dorset Council Members

**Executive Director:** John Sellgren, Executive Director of Place

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**Report Status:** Public

### Recommendations

- 1) To review the responses received during the consultation period and;
- 2) To consider the proposed amendments to the draft Statement of Gambling Licensing Policy.
- 3) To consider the comments received from Place and Resources Overview Committee.
- 4) To make recommendations to Full Council in relation to adoption of the draft Statement of Gambling Licensing Policy.

### Reason for Recommendations:

- 1) To comply with legislative requirements, and;
- 2) To ensure openness and transparency in the Council's decision making, and
- 3) To ensure that those persons affected by the policy are given the opportunity to have an input into it.

### 1. Executive Summary

The Council, as Licensing Authority under the Licensing Act 2003, is required to publish a Statement of Gambling Licensing Policy at least every three years. The

purpose of the policy statement is to define how the Council will exercise its responsibilities under the Act. The draft policy has been prepared by officers, considered at an informal meeting of the Licensing Committee and has been published, in draft format, for a period of public consultation of 12 weeks.

The public consultation took place between 6<sup>th</sup> July and 27<sup>th</sup> September 2020.

The policy went before Place & Resources Overview Committee for comment on 19 October, and a verbal update will be given by officers at this meeting.

The reviewed Statement of Gambling Licensing Policy is before the committee for consideration prior to recommendation to Full Council for adoption.

## **2. Financial Implications**

The funding for the preparation and consultation of the draft Statement of Gambling Licensing Policy will come from existing budgets and there are no further financial implications arising from the recommendations of this report.

## **3. Climate implications**

There are no implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

## **4. Other Implications**

There are no implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

## **5. Risk Assessment**

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

## **6. Equalities Impact Assessment**

A draft Equalities Impact Assessment has been prepared and is attached as Appendix B to this report, a final version will be provided with the draft Statement of Gambling Licensing Policy when it is presented to Full Council, once approved.

## **7. Appendices**

Appendix A Revised Draft Statement of Gambling Licensing Policy 2021-2024

Appendix B Draft Equalities Impact Assessment

Appendix C Summary of responses received as part of the consultation process and resulting proposed amendments.

## **8. Background Papers**

Gambling Act 2005

Gambling Commission – Guidance to licensing authorities 5<sup>th</sup> Edition Sept 2016

## **9. Background**

9.1 The Gambling Act 2005 requires the Council, acting as the Licensing Authority under the Act, determine and publish a Statement of Gambling Licensing Policy at least once every three years.

9.2 The Statement of Gambling Licensing Policy 2021-2024 can be reviewed and updated at any time during the life of the document. The council keeps the Statement of Gambling Licensing Policy under constant review and, from time to time, may commission research to inform changes to policy.

9.3 The Statement of Gambling Licensing Policy sets out how the council will carry out its functions under the Gambling Act 2005 with a view to promoting the licensing objectives namely:

- Prevent gambling from being a source of crime and 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.

9.4 The Statement of Gambling Licensing Policy has been prepared in line with the requirements of the Gambling Act 2005, as well as the Statutory Guidance issued by the Gambling Commission (5<sup>th</sup> Ed).

9.5 The Statement of Gambling Licensing Policy has been prepared with regard to, and sought to integrate with, the following Council strategies:

- Dorset Council's Plan
- Dorset Council Community Safety Plan
- Dorset Council's Local Plan and Development Framework
- Dorset Council's Economic Growth Strategy
- Dorset Council's Enforcement Policy
- Dorset Council's Strategy for children and young people

9.6 This is Dorset Council's first Statement of Gambling Licensing Policy issued under the Gambling Act 2005 and is required to be in place by 1 April 2021

under the terms of the Local Government Reform Order issued by the Secretary of State for Housing, Communities and Local Government.

- 9.7 Prior to the formation of Dorset Council, each of the predecessor District and Borough Councils had their own Statement of Gambling Licensing Policy issued under the Gambling Act 2005.
- 9.8 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.
- 9.9 As required by The Gambling Act 2005 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.
- 9.10 Nothing in the Statement of Gambling Policy 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 Gambling Policy 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.
- 9.11 The draft Statement of Gambling Licensing Policy has been reviewed by the Licensing Committee via a remote informal meeting chaired by the Chair of the Licensing Committee Cllr Emma Parker on 28<sup>th</sup> May 2020. A number of minor amendments and clarifications were suggested by the Committee which were integrated into the draft policy prior to publication as part of the consultation process.
- 9.12 Before the Statement of Licensing Policy can be adopted, the Gambling Act 2005 requires the licensing authority to consult with:
- The Chief Officer of Police;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;

- One or more persons 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.

9.13 The public consultation ran for a period of 12 weeks. The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission. The consultation includes consulting with and considering the views of a wide range of 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 & Wiltshire Fire and Rescue Service
- Dorset Council – Public Health Dorset
- Dorset Council – Environmental Health
- Dorset Council – Planning Authority
- Dorset Council – Children's Services, Social Care and Health
- Dorset Council - Trading Standards
- Charitable organisations that deal with the social impact of gambling addiction
- Gambling Support Services
- Other charitable organisations
- Adjoining Councils
- HMRC

9.14 Following the period of consultation officers analysed the responses received and made amendments to the draft policy as considered appropriate.

9.15 A total of 7 responses were received during the consultation process.

9.16 The consultation responses and proposed draft amendments are summarised at Appendix C and the revised Draft Statement of Gambling Licensing Policy at Appendix A.

9.17 The committee are asked to consider the consultation responses and the proposed amendments contained within the revised Draft Statement of Gambling Licensing Policy, before a recommendation is made to Council for adoption.

9.18 The following relevant issues were raised during the consultation process and the draft policy revised as considered appropriate;

- Amendment to policy wording at section 3.1
- Amendment to policy wording at section 3.5

9.19 The revised Draft Statement of Licensing Policy has also been before Place and Resources Overview Committee for comment, on 19 October and Officers will update the Committee on the feedback received verbally due to the tight timescales.

**Footnote:**

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.