

# Cabinet

## 30 June 2020

### Statement of Gambling Licensing Policy 2021-2024

#### For Decision

**Portfolio Holder:** Cllr A Alford, Customer, Community and Regulatory Services

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

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

**Report Author:** John Newcombe  
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**Report Status:** Public

#### Recommendations

- 1) To agree that the draft Gambling Policy 2021-2024 (attached as Appendix A to this report) be published for a period of public consultation of not less than 12 weeks.
- 2) That, subject to their being no relevant representations that the Service manager for Licensing & Community Safety, in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Draft Gambling Licensing Policy.
- 3) Should relevant representations be received, which require consideration of one or more significant amendments to the policy, instruct officers to bring a further report to the meeting of the Licensing Committee with the outcomes of the consultation.

#### 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 Gambling Act 2005, 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 and considered at an informal meeting of the Licensing Committee and is now ready to be published, in draft format, for a period of public consultation, of not less than 12 weeks.

## **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**

An Equalities Impact Assessment has been prepared and is attached as Appendix B to this report.

## **7. Appendices**

Appendix A      Draft Statement of Gambling Licensing Policy 2021-2024

Appendix B      Equalities Impact Assessment

## **8. Background Papers**

Gambling Act 2005

## **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 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 applicant 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 have been integrated into the draft policy at Appendix A to this report.
- 9.12 Before the Statement of Gambling 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 It is proposed to carry out the public consultation for a period of not less than 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 Fire and Rescue Service
- Dorset Council – Public Health (Primary Care Trust)
- 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 will analyse any responses and should there not be any, it is recommended that the Service Manager for Licensing & Community Safety, in consultation with the Chairman of the Licensing Committee recommends to Cabinet and to Council, adoption of the Draft Licensing Policy.

9.15 Should responses to the consultation be received, officers will recommend amendments to the draft policy where appropriate or give reasons why suggested alterations are not made and prepare a report for the Licensing Committee with a final draft policy for committee to recommend to Cabinet and full Council, for adoption.

**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.

John Newcombe  
Service Manager Licensing & Community Safety

8 June 2020