

# Licensing Committee

## 28 November 2023

### Statement of Gambling Licensing Policy 2024-2027

## For Recommendation to Council

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** All Councillors

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

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**Report Status:** Public

### Brief 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 revised policy has been published, in draft format, for a period of public consultation and the Committee is requested to review the responses received during the consultation and consider the proposed amendments to the policy.

### 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 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. Background**

- 1.1 The Gambling Act 2005 requires that 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.
- 1.2 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.
- 1.3 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.
- 1.4 The revised 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 (2023).
- 1.5 The revised Statement of Gambling Licensing Policy has been prepared with regard to, and sought to integrate with, the following Council strategies:
  - Dorset Council Plan
  - Dorset Council Community Safety Plan
  - Dorset Council's Local Plan and Development Framework
  - Dorset's Economic Growth Strategy
  - Dorset Council's Enforcement Policy
  - Dorset Council's Children, Young People and Families' Plan
- 1.6 This is Dorset Council's second Statement of Gambling Licensing Policy issued under the Gambling Act 2005 and is required to be in place by 1 Feb 2024.

- 1.7 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.
- 1.8 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.
- 1.9 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.
- 1.10 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.
- 1.11 The Licensing Authority is required to carry out a public consultation prior to adoption of the revised policy. 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

1.12 Following the four week period of consultation which ended on 9 November a total of 7 responses were received. Officers have analysed the responses and have made several additional proposed amendments to the draft policy for consideration by the Committee prior to making a recommendation to Full Council for adoption. A copy of the consultation report is attached at Appendix 3.

1.13 The proposed amendments are summarised below;

- Updated contact details (Page 2)
- Minor grammatical amendments (5.2, 13.27)
- Additional text added in response to feedback from the Pan-Dorset Safeguarding Children Partnership (13.27)
- Additional text added in relation to the Licensing Authority’s enforcement approach to Gambling. (30.5)

1.14 A copy of the revised draft policy is attached at Appendix 1.

## **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. Natural Environment, Climate & Ecology Implications**

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

#### **4. Well-being and health implications**

Well-being and health implications arising from the revised draft statement of Gambling Policy have been considered within the EQIA carried out and attached at Appendix 2.

#### **5. 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.

#### **6. Risk Assessment**

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

Current Risk: Low

Residual Risk: Low

#### **7. Equalities Impact Assessment**

An Equalities Impact Assessment has been prepared and is attached as Appendix 2 to this report.

#### **8. Appendices**

Appendix 1      Draft Statement of Gambling Licensing Policy 2024-2027

Appendix 2      Equalities Impact Assessment

Appendix 3      Consultation report

#### **9. Background Papers**

Gambling Act 2005

Gambling Commission – Guidance to licensing authorities 2023