

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Licensing Committee to be held on 21 November 2018

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Subject:

Proposed Statement of Licensing Principles 2019-2021 under the Gambling Act 2005, for approval by full Council.

Summary statement:

This report sets out the outcome of a public consultation exercise with respect to the Statement of Licensing Principles for the District, as required by the Gambling Act 2005 and proposes a final draft for recommendation for adoption by Council on the 11 December 2018.

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Portfolio:

Neighbourhoods and Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

- 1.1 Under Section 349 of the Gambling Act 2005, the Council's Licensing Authority is required to adopt a policy document, referred to as a Statement of Licensing Principles, setting out the basic principles of the Authority's approach to dealing with applications for licences and permits under the Act.
- 1.2 This report sets out the outcome of a public consultation exercise with respect to the statement of licensing principles for the District and proposes a final draft for recommendation for adoption by full Council on the 11 December 2018.

2. BACKGROUND

- 2.1 The consultation draft of the statement of licensing principles for 2019-2021 has been available for public comment since 26 July 2018. The draft document was available on the Council's website and in public libraries. Licensing officers also directly consulted relevant authorities and organisations.
- 2.2 The policy document seeks to reflect very detailed and substantial statutory guidance issued by the Gambling Commission under the Act. This sets the parameters of what can and what should not be included within local statements of licensing principles.
- 2.3 The main additions to the policy document are as follows:

Section 1

Information about the district has been updated and reference to the Bradford District Plan and Bradford Council Plan has been added.

Sections 7.8 to 7.10

Information specific to public health concerns has been added. This includes information from a research exercise into problem gambling in Leeds, undertaken in 2016 by Leeds Beckett University.

Section 8.5

Additional information has been added relating to local risk assessments and the factors the licensing authority recommends taking into consideration when gambling operators undertake risk assessments.

The proposed final draft policy document is attached at Appendix 1.

3. PUBLIC CONSULTATION - RESPONSES RECEIVED

3.1 GamCare

GamCare have provided general advice on the function of the Statement of

Principles and a list of the issues or factors which GamCare think would be helpful for licensing authorities to consider when determining applications, which include local area risk mapping and issues relating to premises layout and staffing. GamCare have also provided details of the training and other services available to local authorities.

A copy of the response is attached at Appendix 2.

Appraisal:

The licensing authority thanks GamCare for the response and notes the information provided. No specific changes to the consultation document are proposed.

3.2 GambleAware

GambleAware provided details of their organisation and although unable to offer specific feedback on the policy, GambleAware strongly commend two recent publications by the Local Government Association. These publications; Tackling Gambling Related Harm and a Councillor Handbook, set out the range of options available to licensing authorities to deal with gambling related harms using existing powers. GambleAware also state that they fully support local authorities which conduct an analysis to identify areas with increased levels of risk of gambling related harm, particularly in relation to vulnerable groups.

A copy of the response is attached at Appendix 3.

Appraisal:

The licensing authority thanks GambleAware for the response. Officers are aware of the two publications by the Local Government Association and have taken these into consideration during the policy review. No specific changes to the consultation document are proposed.

3.3 Gambling Commission

Comments have been provided relating to the Gambling Commission's expectations of operators regarding money laundering risk assessments and local area risk assessments.

A copy of the response is attached at Appendix 4.

Response:

The licensing authority thanks the Gambling Commission for their comments and notes the publications referred to. A minor addition to the policy has been made to state that a copy of the local risks assessment for premises should be available on the premises for inspection.

3.4 Gosschalks Solicitors – Acting for the Association of British Bookmakers

The response sets out the Association of British Bookmakers approach to the

regulation of betting shops and its commitment to partnership working with licensing authorities. Specific comments on the consultation policy document were as follows:

7.5 – Request for removal of the requirement for test purchase operations to be made available to the licensing authority.

7.9 & 7.10 – Request to remove this research information due to there being no contextual background to the research. The response also states that should these paragraphs remain, the final paragraph, stating problem gambling among adults in Britain tends to be less than 1% should be included in the beginning to add content to the remaining statements.

25 – A request for a clearer explanation relating to the imposition of premises licence conditions.

A copy of the response is attached at Appendix 5

Response:

The licensing authority thanks Gosschalks for the response and notes the information provided on behalf of the Association of British Bookmakers.

7.5. - It is agreed that this duplicates the requirements and this reference has been removed.

7.9 & 7.10 - The information included in these sections has been added at the request of the Council's Public Health Department. It is felt this information is relevant and should be included in the policy. However, it is agreed that the paragraph giving context to the information can be moved to the beginning of the section, and this amendment has been made.

25 – Clearer information relating to premises licence conditions has now been included.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The cost of the consultation exercise has been funded from existing resources of the service.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management or governance issues.

6. LEGAL APPRAISAL

- 6.1 When determining any applications for a premises licence under the Act the Licensing Authority must seek to achieve three broad licensing objectives:

- Preventing gambling from being a source of crime or 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.

6.2 The statement of licensing principles sets out how the Authority proposes to achieve the licensing objectives when exercising its functions. When drafting the policy document, licensing authorities must have regard to guidance issued by the Gambling Commission and any Codes of Practice issued under the Act. The draft updated policy document takes account of current guidance and codes of practice.

6.3 The approved statement of licensing principles document must be published by the Council on or before the 31 January 2019. It is therefore necessary to have the final document approved by Council at its meeting of the 11 December 2018, in order to meet the statutory publication requirements.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

The draft statement of licensing principles was prepared with awareness of the Council's duties under the Equality Act 2010.

7.2 SUSTAINABILITY IMPLICATIONS

The Authority's statement of licensing principles will address sustainability issues.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

When determining applications, the licensing objectives addressing crime and disorder; ensuring that gambling is conducted fairly on the premises and protecting children and vulnerable people, must be addressed by the Licensing Authority.

7.5 HUMAN RIGHTS ACT

The Council must consider Human Rights implications when establishing Licensing Policy and when determining licence applications.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

No specific ward implications.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

The protection of children and vulnerable people must be addressed by the

Licensing Authority when determining applications.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

- 9.1 The Committee has no powers to adopt the statement of licensing principles, which is the function of full Council. Members can therefore recommend the document shown in Appendix 1 for adoption by Council, or make such recommendation subject to such amendments as the Committee may specify.

10. RECOMMENDATIONS

- 10.1 That the Committee recommends to Council that the document attached in Appendix 1 be adopted and published as the District's Statement of Licensing Principles pursuant to the Gambling Act 2005 (subject to any amendments that the Committee feels is appropriate).
- 10.2 That the Assistant Director Waste, Fleet & Transport Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.

11. APPENDICES

1. Final draft Statement of Licensing Principles.
2. Consultation Response – GamCare
3. Consultation Response – GambleAware
4. Consultation Response – Gambling Commission
5. Consultation Response – Gosschalks Solicitors

12. BACKGROUND DOCUMENTS

The Gambling Act 2005
Guidance and Codes of Practice issued by the Gambling Commission
Regulations made under the Gambling Act 2005