

Report To:	LICENSING COMMITTEE
Date:	11TH NOVEMBER 2021
Heading:	REVIEW OF THE STATEMENT OF GAMBLING POLICY
Portfolio Holder:	DEPUTY LEADER – OUTWARD FOCUS
Ward/s:	ALL
Key Decision:	YES
Subject to Call-In:	NO

Purpose of Report

To agree a Draft Revised Statement of Gambling Policy for adoption by Council.

Recommendation(s)

The Licensing Committee is recommended to:

- a) Consider any comments received on the revised Draft Revised Statement of Gambling Policy as detailed within this report;**
- b) Resolve whether any amendments to the revised draft Statement of Gambling Policy are necessary in light of any comments received; and permit the Licensing Manager & Director: Place & Communities to make any appropriate amendments; and**
- c) Subject to any amendments to the draft Policy, recommend Council to adopt the revised Statement of Gambling Policy and to maintain the “No Casino” Resolution at its meeting on 2nd December 2021, effective from 31st January 2022.**

Reasons for Recommendation(s)

The Council is obliged to determine and publish a "Statement of Gambling Policy" and to keep it under review and to republish it at least every three years. The Statement of Gambling Policy sets out how the Licensing Authority intends to exercise its functions under the 2005 Act.

The current Policy is nearing the end of its three year life span, and as such, requires updating and republishing.

At its meeting on 9th September 2021, the Committee agreed a revised draft Statement of Gambling Policy, and requested that the Licensing Manager carry out a 6 week consultation seeking comments in relation to the draft revised Policy.

Alternative Options Considered

(with reasons why not adopted)

Do nothing: not recommended for a number of reasons.

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the District, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Detailed Information

Introduction

The Committee is reminded that all Licensing Authorities have adopted a Gambling Policy Statement (originally adopted on 31st December 2007). This Statement must promote the three licensing objectives of the Gambling Act 2005 (the 2005 Act), which are:

- **Preventing gambling from being a source of crime and disorder**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and vulnerable persons from being harmed or exploited by gambling**

The Council is obliged to determine and publish a "Statement of Gambling Policy" and to keep it under review and to republish it at least every three years. In preparing the Statement, Licensing Authorities must follow the procedure set out in the 2005 Act, including who should be consulted. The Policy sets out how the Licensing Authority intends to exercise its functions under the 2005 Act.

In drafting the original policy, considerable work was done by a team of officers from Nottinghamshire districts on drafting a common 'core' Statement of Gambling Policy that each district adapted for its own use.

The Council has continued to work with other Licensing Authorities in Nottinghamshire and others nationally, so that a consistent approach is taken to assist applicants for licences and those who may wish to make representations under the provisions of the 2005 Act.

Gambling Commission: Guidance issued to Licensing Authorities

In carrying out its functions the Council must also have regard to the "Guidance to Licensing Authorities" issued by the Gambling Commission (being the unified regulator for gambling in Great Britain).

The Guidance prescribes what must be included in an Authority's Policy content in the interest of national consistency. The Council therefore has limited scope to make significant changes to the Statement of Gambling Licensing Policy. However where there are good reasons, the Policy can depart from the Guidance in order to reflect local circumstances.

The Guidance also provides clarity on the importance of the Statement of Gambling Licensing Policy as a regulatory tool and includes guidance on the development of "Local Area Profiles".

Functions of the Licensing Authority

The 2005 Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. Their main functions are to:

- licence premises for gambling activities
- consider notices given for the temporary use of premises for gambling
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes
- regulate gaming and gaming machines in alcohol-licensed premises
- grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
- grant permits for prize gaming
- consider occasional use notices for betting at tracks
- register small societies' lotteries.

Licensing Authorities also have an obligation to provide information to the Gambling Commission, including details of licences, permits and registrations issued by way of the submission to the Gambling Commission of an "annual return".

Licensing Authorities also carry out inspections of licensed premises in order to ensure they are run in accordance with the three licensing objectives and the conditions applied to the licences. During the period since the last Statement of Gambling Licensing Policy no issues of non-compliance were found, and no complaints about these premises were received.

This highlights that the previous and current Policy provided a transparent platform from which Operators of licensed premises could manage their businesses, and clear guidance as to how these Operators would meet with the licensing objectives.

No Casino Resolution

Ashfield District Council has previously passed a 'No Casino' Resolution (in accordance with S.166 of the 2005 Act). This has the effect that the Licensing Authority will not consider any application for a casino premises licence. Any application received will be returned with a notification that a 'No Casino' Resolution is in place.

As Ashfield was not one of the chosen 17 locations for a casino to be sited (17 being the maximum number of locations permitted), unless the 2005 Act changes Ashfield is not able to entertain applications for casinos.

On each occasion that the Statement of Gambling Licensing Policy is renewed, and approved by Council, the 'No Casino' Resolution remains in force. Members of this Committee are asked as a matter of good process (even though Ashfield is not able to entertain such applications for casinos) to consider whether such a Resolution should be retained, and if so, to recommend such to Council.

To assist this Committee, when the Policy was last reviewed in 2013, the Committee resolved to maintain the “No Casino” Resolution in order to future-proof any potential changes to the 2005 Act.

Amendments & Additions to the Statement of Gambling Policy

In light of there being no amendments to the Gambling Act 2005, or to the Gambling Commission’s Guidance to Licensing Authorities since the 2018 review carried out by Ashfield District Council, and in line with the other Nottinghamshire Councils, no additions or amendments to the existing Policy have been made.

Consultation on the Draft Revised Statement of Licensing Policy

The draft Revised Statement of Gambling Licensing Policy was approved by the Committee prior to its publication.

The consultation timetable to be followed is detailed below:

- 9th September 2021: Licensing Committee to agree that the draft revised Statement of Licensing Policy be put out to consultation.
- Consultation between 13th September 2021 and 24th October 2021 with the “Responsible Authorities” (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety), representatives of current licence holders and registered clubs, and others including Community Safety, Building Control and the local Accident and Emergency Department, and the general public via the Council’s website. The general public will have access to the consultation via the Council’s website, reception area and local libraries.
- 11th November 2021: the results of the consultation will be put to the Licensing Committee for consideration, and to make any relevant changes to the Policy to finalise accordingly, and to make a recommendation to Council to adopt the final Policy.
- 2nd December 2021: The Licensing Committee’s recommendation is put to Council to adopt the revised final Policy.

Responses to the Consultation

No valid responses were received during the consultation period.

The only enquiries received were from those seeking assurance that their Small Society Lottery Clubs were not affected by anything within the updated Policy (and such assurances were provided by the Licensing Manager).

Implications

Corporate Plan:

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the District, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Legal:

Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy every 3 years. The next Statement must be published by 31st January 2022.

Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Policy.

Any other legal implications relating to the Statement of Gambling Licensing Policy are detailed within the 2005 Act.

Finance:

There are no financial implications contained within this report.

This report is effective from 11th November 2021 and has the following financial implications.

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carry out its licensing functions and decision making processes.

Human Resources:

There are no direct HR implications contained within this report

Environmental/Sustainability

By approving this Policy, the Council is able to control Betting and Gaming throughout the District, ensuring the protection and sustainability of the local environment.

Equalities:

There no diversity or equality implications contained within this report.

Other Implications:

None

Reason(s) for Urgency:

Not applicable

Reason(s) for Exemption:

Not applicable

Background Papers

Appendix One: Revised draft Statement of Gambling Policy

Report Author and Contact Officer

Julian Alison

Licensing Manager

Email: julian.alison@ashfield.gov.uk

Tel: 01623 457364