



## COUNCIL – 26<sup>TH</sup> JANUARY 2022

**SUBJECT: GAMBLING ACT 2005 – REVIEW OF STATEMENT OF LICENSING POLICY**

**REPORT BY: CORPORATE DIRECTOR, ECONOMY AND ENVIRONMENT**

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### 1. PURPOSE OF REPORT

- 1.1 To inform Members of the result of consultation carried out to review the Statement of Gambling Licensing Policy. The report seeks the approval of Council following its presentation to the Members of the Licensing and Gambling Committee on the 14<sup>th</sup> December 2021.

### 2. SUMMARY

- 2.1 In accordance with the Gambling Act 2005, the Licensing Authority must prepare, consult upon and approve a Gambling Statement of Licensing Policy that must be reviewed every three years. The current Policy was approved by Council and published in January 2019. The policy must contain objectives regarding the following:-

- 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, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### 3. RECOMMENDATIONS

- 3.1 That Council consider and approve the revised Statement of Gambling Licensing Policy as detailed at **Appendix 1**.

### 4. REASONS FOR THE RECOMMENDATIONS

- 4.1 In order to give effect to the statutory obligations imposed by the Gambling Act 2005 and any Regulations made under the Act.

## 5. THE REPORT

- 5.1 In accordance with the above Act, the Licensing Authority has a duty to publish a Policy which sets out the principles that it will apply when dealing with gambling premises, gaming permits, lottery registrations, and other gambling notices associated with gaming.
- 5.2 The UK Government is currently undertaking a review of the Gambling Act 2005 with a view to ensuring that the regulatory framework is fit for purpose within the digital age and can continue to meet its aims of protecting children and vulnerable people, prevent gambling related crime, and keep gambling fair and open. A White Paper is expected later this year which may result in legislative changes that will require a comprehensive review of the statement of principles in the near future. However, this will not avoid the statutory requirement to now review and publish a statement of principles for the next three-year period.
- 5.3 The Policy has been reviewed and a consultation exercise undertaken with relevant bodies, individuals, residents and businesses throughout the Borough who have been invited to comment. The consultation period commenced on 8<sup>th</sup> October 2021 and ran until the 8<sup>th</sup> November 2021.
- 5.4 When preparing the revised Statement, the Authority must have regard to legislative changes and the Guidance issued by the Gambling Commission. In addition, the policy has been developed following collaboration with neighbouring authorities comprising the Gwent Licensing Forum, i.e. Torfaen, Monmouthshire, Blaenau Gwent and Newport. The collaboration addressed common themes affecting all authorities but did not address local issues or considerations particular to each authority.
- 5.5 2 responses have been received during the consultation period. A response was received from Gamble Aware, a charitable organisation specialising in prevention and treatment services from gambling harms who acknowledged receipt of consultation and the ability to comment on the council's policy. Whilst they did not provide specific feedback on the council's policy, they highlighted areas in the UK which showed a prevalence of problem gambling, recommended Local Government Association (LGA) publications in the public domain which offer guidance in relation to gambling related harms. The Charity was supportive of local authorities which undertake analysis for areas with increased level of risk and encouraged local authorities to signpost people to the National Gambling helpline and its website in relation to offering of support as part of the National Gambling Service. The contact telephone number and website for Gamble Aware will be added to the information section within the council's policy.

One resident response was received anonymously which stated that *"Too many licenses granted for too many events with insufficient staff to check and monitor"* However, no other information was provided in order to clarify the context of the comments.

- 5.6 The revised Statement of Gambling Licensing Policy is attached as **Appendix 1** with amendments shown as track changes. The main body of the policy remains generally unchanged apart from updated contact details for responsible authorities and revised dates for consultation, publication etc. The main change relates to annex 7 Mandatory, Default and Caerphilly County Borough Council's Pool of Model Conditions for Gambling Premises Licences. Previous versions of the policy included the mandatory and default conditions but not the Caerphilly CBC Pool of Model

conditions.

The existing statement has been effective and continues to achieve its aims, Officers are aware that UK Government are undertaking a review of the effectiveness of the Gambling Act 2005 and a White Paper is expected before the end of the year which may lead to legislative changes. This may require a more comprehensive review of the statement of Licensing Policy in the near future.

- 5.7 Mandatory conditions are specified by regulations and are applied to the relevant category of premises licence and cannot be removed or varied in anyway. Default conditions will be applied to the relevant category of premises licence unless the applicant or licensee specifies that the default conditions are to be removed within their new or variation application.
- 5.8 Model conditions can be used by the applicant of a new premises licence, provisional statement or licensees varying their licence. The applicant or licensee can select the conditions that they feel will enable them to demonstrate how they will ensure that the premises will operate so as not to impact upon the licensing objectives. Gambling operators are recommended during their local risk assessment process to identify control measures, such as conditions to mitigate the impact on the licensing objectives by that premises. These model conditions can be selected to address the risk of impacts identified in these assessments.
- 5.9 These conditions can also be used by responsible authorities or interested parties when making representations on applications submitted to the Licensing Authority. Members of a Licensing Sub-Committee will have regard to these conditions when determining applications and may choose to add one or more conditions or variations of them depending on the concerns raised during the determination process.
- 5.10 Model conditions are not intended to be used as blanket conditions applied to each premises licence. It may appear from the list that the conditions are repetitive, however there are subtle differences so gambling operators, responsible authorities and interested parties are advised to find the most appropriate condition to mitigate the identified risk. The model conditions are not an exhaustive list and new or amended versions of model conditions can be produced to meet the specific requirements of that application.
- 5.11 The model conditions have been put under general topic headings to assist in identifying particular conditions that may address specific issues raised. By the side of each condition a reference to the relevant licensing objective that they relate is indicated. The codes used for the licensing objectives are:
- CD** - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.  
**FO** - ensuring that gambling is conducted in a fair and open way.  
**CV** - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.12 The proposed revised policy was considered by Members of the Licensing and Gambling Committee following its presentation on the 14<sup>th</sup> December 2021. Members were advised that Consultation was conducted between 8<sup>th</sup> October 2021 and until the 8<sup>th</sup> November 2021 where existing licence holders under the Gambling Act 2005 and Licence Holders under the Licensing Act 2003 were directly contacted to seek their views, in addition the consultation was also open to residents and businesses via the council's corporate website.

### 5.13 **Conclusion**

The main alterations to the policy relate to Annex 7 and the listing of all Mandatory, Default and optional Model conditions in one place for ease of use. The pool of model conditions will assist gambling operators, responsible authorities and interested parties when considering conditions to deal with specific issues and concerns. These conditions will also encourage a consistent approach to the drafting and imposition of conditions on premises licences. Officers will continue to monitor the UK Government review of the Gambling Act 2005 and if required address any legislative changes brought about from any review.

## 6. **ASSUMPTIONS**

6.1 No assumptions have been made or were thought necessary.

## 7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

7.1 The changes to the policy as a result of this review are minor and merely provide information on licensing conditions in one part of the policy with additional information in order to increase understanding and assist relevant parties. The model pool of conditions can be selected as required and appropriate and standardised wording aids consistency in the sector. The UK Government is currently undertaking a review of the Gambling Act 2005 with a view to ensuring that the regulatory framework is fit for purpose within the digital age and can continue to meet its aims of protecting children and vulnerable people, prevent gambling related crime, and keep gambling fair and open. A White Paper is expected later this year which may result in legislative changes that will require a comprehensive review of the statement of principles in the near future. However, this will not avoid the statutory requirement to now review and publish a statement of principles for the next three-year period.

An Integrated Impact Assessment has been completed and is attached at **Appendix 2**.

## 8. **FINANCIAL IMPLICATIONS**

8.1 There are no financial implications associated with this report.

## 9. **PERSONNEL IMPLICATIONS**

9.1 There are no personnel implications associated with this report.

## 10. **CONSULTATIONS**

10.1 This report has been sent to the Consultees listed below including the Council's Licensing and Gambling committee and all comments received are reflected in this report. As detailed in 5.3 above, the revised policy has also been circulated for consultation to relevant stakeholders and all responses considered before finalising the policy.

At the meeting of the Licensing and Gambling Committee on the 14<sup>th</sup> December 2021, following the Licensing Manager's report, a Member sought clarification on the anonymous consultation response received and asked if Licensing had enough staff to be able to deal with the number of one-off licences issued. The Licensing Manager explained that he believed the consultation response to be commenting on licences for alcohol and entertainment rather than gambling and gave assurances that the Licensing department has sufficient capacity to investigate complaints received in relation to licensed gambling premises. The Member also referred to monitoring around Temporary Event Notice applications and the Licensing Manager provided a brief overview of how Licensing examine the suitability of each application on a case by case basis.

A Member referred to page 66 of the revised Statement in relation to CCTV and asked whether the recordings are required to be of a certain quality and if Licensing undertake inspections to ensure gambling premises are complying with this requirement. The Licensing Manager confirmed that if there were cause to inspect the premises and the quality of CCTV is found to be poor, this would be brought to the attention of the licence holder for improvements to be made. However, Licensing are confident that the quality of recordings are generally improving across licensed premises, as it is in the best interests of businesses to have clear CCTV images in order to identify any perpetrators.

A Member asked if the low response rate was normal and how the consultation had been advertised. It was confirmed that Licensing had written to all existing gambling and alcohol licence holders, together with Responsible Authorities and various bodies such as the Gambling Commission. Wider consultation had been carried out with the public through the Council's website which was advertised by the Communications Team. It was noted that all Councillors had also been consulted on the proposed changes through email.

One Member also asked if gambling premises are displaying signage in relation to agencies offering support with gambling addiction (such as Gamble Aware). The Licensing Manager confirmed that he believed this to be common practice across premises but confirmed that Licensing would look into surveying a random sample of premises to check whether they are advertising these types of support networks.

Following questions, Members unanimously recommended to Council that the revised Statement of Licensing Policy as detailed at Appendix 1 be approved.

## **11. STATUTORY POWER**

11.1 Gambling Act 2005. The decision is the responsibility of the full Council.

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Consultees: Cllr Julian Simmonds, Chair, Licensing & Gambling Committee  
Cllr, Walter Williams, Vice Chair, Licensing & Gambling Committee  
Cllr Nigel George, Cabinet Member for Waste, Public Protection & Street Scene  
Mark S. Williams, Corporate Director Economy and Environment  
Robert Hartshorn, Head of Public Protection, Community and Leisure Services

Robert Tranter, Head of Legal Services and Monitoring Officer  
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager  
Steve Harris, Head of Corporate Finance, S.151 Officer  
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)  
Shaun Watkins, HR Manager  
Licensing & Gambling Committee

Background Papers:

The current Statement of Gambling Licensing Policy can be found at

[Link to Statement of Gambling Licensing Policy](#)

Appendices

Appendix 1 Revised Statement of Gambling Licensing Policy

Appendix 2 Integrated Impact Assessment