

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Management Team and Licensing Committee

Date: 19 October 2021

2 November 2021

Reporting officer: Emily Lane-Blackwell, Senior Licensing Officer

Subject: Review of Statement of Licensing Policy under the Gambling Act 2005

Purpose and summary of report:

To feedback to Members on the responses received during the public consultation on the review of the Gravesham Borough Council Statement of Licensing Policy under the Gambling Act 2005

Recommendations:

1. That members recommend that Full Council approve the updated draft Statement of Licensing Policy.
2. That members recommend that Full Council ratify the existing no-casinos resolution for a further three years.

1. Background

- 1.1 Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Licensing Policy every three years. Such a policy must be published before the authority carries out any function in respect of applications made under the 2005 Act.
- 1.2 The current Statement of Licensing Policy under the Gambling Act 2005 was approved by Council on 18 December 2018 and was published on 3 January 2019. A new policy will therefore need to be adopted by Full Council on 7 December 2021 and published no later than 3 January 2022.
- 1.3 At its meeting of 18 December 2018, Full Council also approved a 'no-casinos' resolution as allowed under Section 166 of the Gambling Act 2005.
- 1.4 On 7 December 2021, Council will need to decide whether to ratify the 'no-casinos' resolution for a further three years so that it can be included in the new policy.

2. Draft Statement of Licensing Policy

- 2.1 A draft Statement of Licensing Policy was drawn up as shown at **Appendix 2**.
- 2.2 The changes made to the revised Statement of Licensing Policy shown at Appendix 2 were mostly of a minor or administrative nature to reflect changes in the wording of the current edition of the statutory 'Guidance to Licensing Authorities' (GLA) or for the sake of greater clarity/accuracy.
- 2.3 A section was added to the policy to clarify the Council's process for when a small society lottery registration is either refused or cancelled.
- 2.4 Specific mention of a 'no- casinos' resolution is made within section 8 of the draft policy and the consultation advertisement drew attention to this particular point.
- 2.5 At their meeting on 13 September 2021, the Licensing Committee considered the draft policy and proposed consultation process as outlined in the report. Officers were asked to proceed with the same, subject to the following actions/amendments:
 - 2.5.1 That the Policy clarifies that the council will expect applicants to demonstrate, amongst other things, that staff are appropriately trained in safeguarding awareness, including in relation to CSE, and that associated materials are made available on site.
 - 2.5.2 The consultees list includes the local Licensed Victuallers Associated.
 - 2.5.3 The Kent and Medway Licensing Steering Group Enforcement Protocol referred to within the Statement of Gambling Policy is included within the appendices of the Policy.
 - 2.5.4 Officers establish which other local authorities in Kent and Medway have a no-casinos resolution and report this back to the Committee.
 - 2.5.5 Officers seek to digitally signpost service users to gambling help and support services, make reference to this within the Policy, and seek to establish which other Kent and Medway councils do the same.
- 2.6 The first two requested amendments and actions were duly carried out.
- 2.7 Enquiries with all Kent and Medway licensing authority colleagues indicated that only one other authority was aware of the enforcement protocol, and that Gravesham were the only council still referring to it. In light of this, and given the outdated nature of the protocol, it was agreed by the Chair of the Licensing Committee that the Kent and Medway Licensing Steering Group Enforcement Protocol would not be included within the Statement of Gambling Policy and that all reference to it would instead be removed.
- 2.8 Section 5 of this report relates to the no-casinos resolution and contains officer findings relating to paragraph 2.5.4.
- 2.9 With regard to 2.5.5, a new webpage has been added to the Gambling Licensing pages of the council's website which signposts service users to established treatment and support groups, as well as the NHS Help for Problem Gambling page.

3. Consultation

- 3.1 The Act requires a consultation process prior to determining the Statement of Licensing Policy. This consultation commenced on 14 September 2021 and ran for 4 weeks until 12 October 2021.
- 3.2 Consultees and consultation mechanisms were as previously outlined to the Committee.

4. Evaluation of Responses

- 4.1 We received just one response to our consultation. This was from Gambleaware, their response was not specific to our policy, just advisory. Gambleaware is one of the charities that we have signposted the public to for any problem gambling concerns or issues.

5. No Casinos Resolution

- 5.1 All the Kent and Medway Councils were contacted asking if they had a No Casino Resolution in place, Only one response was received. I therefore carried out my own research to check each Council's Statement.
- 5.2 Do the following Councils have a 'No Casino Resolution'?
 - 5.2.1 Ashford – No
 - 5.2.2 Canterbury – Yes
 - 5.2.3 Dartford – No
 - 5.2.4 Dover – No
 - 5.2.5 Folkstone and Hythe – No
 - 5.2.6 Maidstone – No
 - 5.2.7 Medway – No
 - 5.2.8 Sevenoaks – No
 - 5.2.9 Thanet – No
 - 5.2.10 Tonbridge and Malling – No
 - 5.2.11 Tunbridge Wells - No
- 5.3 Thanet is the only Council that licences a casino. They have three within their area that are all converted from the 1968 Act.
 - 5.3.1 Converted casino licences can be relocated, but only within the same borough that originally granted the licence.
- 5.4 Under the Gambling Act 2005, no more than eight large and eight small casino premises are permitted.
 - 5.4.1 The large casino licences are held in:

- 5.4.1.1 Great Yarmouth;
- 5.4.1.2 Kingston Upon Hull;
- 5.4.1.3 Leeds;
- 5.4.1.4 Middlesbrough;
- 5.4.1.5 Milton Keynes;
- 5.4.1.6 London Borough of Newham;
- 5.4.1.7 Solihul; and
- 5.4.1.8 Southampton

5.4.2 The small casino licences are held in:

- 5.4.2.1 Bath and North East Somerset;
- 5.4.2.2 East Lindsey;
- 5.4.2.3 Luton;
- 5.4.2.4 Scarborough;
- 5.4.2.5 Swansea;
- 5.4.2.6 Torbay;
- 5.4.2.7 Wigtown (Dumfries and Galloway; and
- 5.4.2.8 Wolverhampton

5.5 On the Gambling Commission's public register there are 54 non-remote casino licences issued across the country.

5.6 With regards to the consultation for a No Casino Resolution in Gravesham, we received no responses.

6. Recommendations

6.1 It is recommended:

6.1.1 That members recommend that Full Council approve the updated draft Statement of Licensing Policy.

6.1.2 That members recommend that Full Council ratify the existing no-casinos resolution for a further three years

7. BACKGROUND PAPERS

7.1 None

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
Legal	Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act. The Policy will last for a 3 year period, but can be reviewed at any time during that period.
Finance and Value for Money	The cost of consultation and publishing an updated policy was met from within existing budgets. The Statement of Licensing Policy under the Gambling Act 2005 will not place any new financial resource implications on the Council
Risk Assessment	<p>The publication of a Statement of Licensing Policy under the Gambling Act 2005 is a statutory requirement and failure to do so by 3 January 2022, as required, may lead to negative publicity and criticism from central government.</p> <p>Close adherence to the mandatory guidance in terms of policy development and consultation will minimise the risk of judicial review at a later date. This risk is further minimised by working in close co-operation with the other licensing authorities within Kent.</p>
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk.</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Corporate Plan	<p>There are direct links to Corporate Objective 1 - People</p> <p>Enforce high regulatory standards: put customer and employee safety first by ensuring commercial businesses and licence holders are fully compliant with expected legislative standards.</p>
Climate Change	N/A

<p>Crime and Disorder</p>	<p>Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Council's obligations under Section 17 of the Crime and Disorder Act 1998 in that the objectives of the Gambling Act 2005 are:</p> <p>Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.</p> <p>Ensuring that gambling is conducted in a fair and open way.</p> <p>Protecting children and other vulnerable persons from being harmed or exploited by gambling.</p> <p>As a member of the Kent and Medway Regulatory Licensing Steering Group we support a partnership approach to licensing enforcement. This also directly reflects Section 17 requirements.</p>
<p>Digital and website implications</p>	<p>Minor website updates will be required.</p>
<p>Safeguarding children and vulnerable adults</p>	<p>In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The 3rd licensing objective is Protecting children and vulnerable persons from being harmed or exploited by gambling.</p>