

## STATUTORY LICENSING COMMITTEE

Minutes of a meeting held on 22<sup>nd</sup> October, 2018.

Present: Councillor V.P. Driscoll (Chairman); Councillor Mrs. J.E. Charles (Vice-Chairman); Councillors G.A. Cox, R. Crowley, Mrs. P. Drake, Dr. I.J. Johnson, K.P. Mahoney, Mrs. K.F. McCaffer, Mrs. J.M. Norman, L.O. Rowlands, J.W. Thomas, Mrs. M.R. Wilkinson and Ms. M. Wright.

### 447 APOLOGIES FOR ABSENCE -

These were received from Councillors O. Griffiths and Mrs. A. Moore.

### 448 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 6<sup>th</sup> December, 2016 be approved as a correct record.

### 449 DECLARATIONS OF INTEREST -

Councillor Dr. I.J. Johnson declared an interest in that he was a member of both Barry Town United and Cadoxton Barry Football Club that organised not for profit small society lotteries and on advice from the Monitoring Officer he wished to declare a personal interest which did not require him to vacate the meeting and therefore was permitted to speak and vote on the matter.

### 450 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES 2019-2022 (DEH) -

The Licensing Team Manager presented the report to seek the Committee's endorsement of the Gambling Act 2005 Statement of Principles as attached at Appendix A to the officer's report, prior to formal consultation.

The Officer advised that the relevant Gambling Act 2005 functions were delegated to the Licensing Committee of the authority established under Section 6 of the Licensing Act 2003. However, the final approval of the Statement of Principles remained a Council function and that the Gambling Act 2005 provided for a regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting.

The Gambling Commission was set up under the Gambling Act 2005 to regulate commercial gambling in Great Britain in partnership with licensing authorities. The licensing authority was responsible for issuing premises licences; issuing permits which allowed low stake gambling in venues which were not primarily for gambling, for example, pubs; for enabling societies to hold small lotteries; for ensuring compliance and enforcement of the Gambling Act 2005 locally. However, the

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Council, as the licensing authority was not responsible for the authorisation or enforcement of remote gambling, for example, online gambling.

The Officer added that the Act placed a duty on the Council to develop a Statement of Principles that promoted the three 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, and
- Protecting children and other vulnerable persons from being harmed or exploited.

The Statement of Principles sets out how the licensing authority would exercise its functions and provides information to the public and the gambling sector alike.

The Officer drew the Committee's attention to the proposed Statement of Principles available at Appendix A to the report and highlighted that analysis of complaints and intelligence suggested that no new trends or concerns had emerged during the last three years either by sector or location. Therefore, at this stage, no significant changes had been made to the policy framework. There would however be a need to review this once the consultation process had been completed.

The Officer also drew the Committee's attention to the supplementary information tabled at the meeting which set out the changes made to the Statement of Principles regarding The Wellbeing and Future Generations (Wales) Act 2015.

In conclusion, the Officer apprised the Committee of the consultation process that was specified in regulations and would involve the Chief Officer of Police, the Gambling commission, one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses and one or more persons who are likely to be affected by the exercise of the authority's functions under the Act. This comprised of Elected Members, Town and Community Councils, Trade representatives, machine suppliers, safeguarding organisations (including problem gambling) and the Local Service Board and Community Safety Partnership.

The consultation method would be to place the draft policy on the Council's website and issue notices of consultation to the aforementioned individuals or organisations with the proposed timetable for consultation between the 25 October 2018 to 19 December 2018 with referrals through the Committee and Cabinet for Council to approve the policy at its meeting scheduled for 27 February 2019. Following consultation and approval by Council, notice of publication of the new policy would be given in advance of the effective date.

A Member sought clarification on the recommendation before the Committee which did not reference the consultation process. The Licensing Team Manager confirmed that the recommendation was to seek the Committee's endorsement of the Gambling Act 2005 Statement of Principles for formal consultation.

The Member also wished to clarify if there had been any complaints to the Licensing Department which would have prompted changes being made to the Statement of

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Principles and how the current version compared to that of other local authorities. The Licensing Team Manager advised that the Statement of Principles was a framework that was compiled based on the general regulatory regime and approach outlined in the 5th Edition of the statutory guidance to licensing authorities issued by the Gambling Commission with the addition of local knowledge. Regarding other local authorities, the Officer was able to comment regarding Bridgend County Council who followed the same structure. In response to the Member's question around historical complaints, the Officer reiterated that there had been no complaints received in the last three years, either by sector or location, identifying new trends or concerns.

A Member advised that he had no questions on the report, however, wished to make an observation in that the Statement of Principles was an innocuous document and he was pleased to hear that there had been no crime complaints from staff working in the gambling industry due to individuals abusing their service and/or premises.

In conclusion, the Chairman took a vote on the amendment to the Officer's recommendation which specified that the endorsement of the statement was for formal consultation purposes.

RESOLVED - T H A T the Council's proposed Gambling Act 2005 Statement of Principles 2019-2022, as attached at Appendix A to the officer's report, be endorsed for the purposes of formal consultation.

#### Reason for decision

To comply with the requirement to publish a Statement of Principles relating to the Authority's Gambling Policy.