

Present: Councillor Colin Brotherton (Chairman), Councillor Paul Gleeson (Vice-Chairman), Councillors James Edwards, Barrie Pierpoint, Stephen Raven, Brian Rush, Yvonne Stevens and Stephen Woodliffe

Officers –

Principal Licensing and Land Charges Officer, Senior Democratic Services Officer and Democratic Services Apprentice

## **1 APOLOGIES**

There were apologies from Councillors Michael Brookes, Judith Skinner and Jonathan Noble.

## **2 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES**

The Principal Licensing and Land Charges Officer presented a report on the Gambling Act 2005 – Statement of Principles.

Under the Gambling Act 2005 (the Act), The Licensing Authority was required, every three years, to consult on, adopt and publish a Statement of Principles setting out its policy for administering and enforcing licences, registrations and permits in accordance with the Act.

A revised Statement of Principles was required, by law, to be published by January 2019.

The administration and enforcement of licensing of gambling premises and activities was prescribed in legislation and the Statement of Principles was based on guidance provided by the Gambling Commission. The Council could not adopt any local policy that would be inconsistent with the requirements of the Act.

Since the Act came into force in 2006 the administration and enforcement of gambling licensing in Boston had operated effectively and the Statement of Principles had previously and was currently considered to be fit for purpose. It was therefore considered that no major changes were required to the existing statement.

The draft Statement of Principles was attached at Appendix A for Members' consideration. Proposed changes to the existing Statement of Principles were highlighted yellow.

The Committee was requested to approve the draft Statement of Principles, including any amendments considered appropriate by the Committee, and resolve that the draft be consulted on in accordance with the requirements of the Gambling Act 2005. Following consultation, a schedule of responses would be brought back to the Committee for consideration and a recommendation would be made that the final draft be approved and then referred to Full Council for adoption.

In response to questions, the Principal Licensing and Land Charges Officer explained that the statement's introduction was the Council's own wording; it would be similar to

many other local authorities, though some might differ. Examples of good practice had been examined and the wording throughout the draft was based on these and the Council's own views, with some wording being lifted directly from the Gambling Commission's own code of practice.

The amendments, some of which were minor, had been made in order to simplify and clarify the wording of the statement and to update information, such as the demographic of the area, and to demonstrate that other legislation, e.g. the Human Rights Act, was being taken into account, so protecting the Council from challenge. Some wording had been added, such as a new section on Local Risk Assessment. In some parts wording had been deleted, such as where different examples or scenarios had been listed, in order to make the statement less prescriptive and broaden its approach. The result was that the statement would be streamlined and its impact widened.

A Member expressed the view that it would have been helpful to have the previous statement included in the agenda pack in order to more easily understand the changes and ensure the draft statement fully covered the whole of the previous statement.

Others commented that they had compared the draft with the previous statement prior to the meeting and would have contacted the officer if they had had any questions. Although it was agreed it might be helpful to include the previous statement in the agenda pack, it was thought it might make it more complicated. It was asserted that the draft carried forward all the necessary parts of the previous statement and had been improved by being made more general rather than prescriptive.

The Principal Licensing and Land Charges Officer stressed that the draft statement fully covered everything contained in the previous statement, but apologised and offered to redraft the report if Members considered it necessary and adjourn the meeting so that this could be undertaken.

Members discussed this and comments included satisfaction with the way the draft statement had been presented and their confidence in the officer's expertise. Members agreed it would not be necessary to adjourn the meeting, but accepted the officer's suggestion of presenting the draft statement with the previous one or including tracked changes when it next came before the Committee. The Principal Licensing and Land Charges Officer agreed that presenting tracked changes for the Exchange of Information section would clarify matters.

A Member's request for details of the basis on which the Council supplied information to third parties, which related to the General Data Protection Regulations (GDPR) and was not relevant to the policy being considered by the Committee, would be referred to the Data Protection Officer for response. Reference to the exchange of information in Section 7 of Part A of the statement related to information that the Council was obliged to give under Schedule 6 of the Gambling Act 2005.

In response to a question, the Principal Licensing and Land Charges Officer confirmed that enforcement visits were made to premises; their frequency depended on whether there had been changes to the operation of premises or if there had been problems with compliance. Licenses could be reviewed and referred to a Sub-Committee hearing. However, the premises in the borough were very well run with few problems arising and no cause for a review to date.

In response to questions, it was explained that the section in the statement relating to the safeguarding of children had been significantly expanded due to child exploitation coming to the forefront recently. This section was needed to demonstrate the Council's awareness of child exploitation and make it clear that the Council would not tolerate it and would escalate up any information relating to it for the relevant authorities to deal with. This was taken very seriously and was taken into account in every decision taken with immediate revocations actioned when necessary.

Reference was made to an amendment in Section 14 of Part B of the statement, which stated that the Licensing Authority could apply conditions as to where ATMs were sited in order to ensure people had to leave the gambling area, giving them the opportunity to consider whether to continue. In response to a Member's suggestion to apply conditions to site ATMs outside premises, the Principal Licensing and Land Charges Officer explained that this would be successfully challenged as it would be going too far outside the legislative requirement.

Members commended the Principal Licensing and Land Charges Officer on an excellent and thorough report.

<b>RESOLVED: That the draft Statement of Principles appended to the report be consulted on as required under the provisions of the Gambling Act 2005.</b>
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The Meeting ended at 3.05 pm