

Item 7 (a) - Gambling Act 2005 - Statement of Principles of Gambling Policy

The attached report was considered by the Licensing Committee, and the relevant minute extract is below:

Licensing Committee (Minute 12, 1 November 2018)

The Head of the Licensing Partnership presented a report which sought a decision from the Committee on options for reviewing the Council's Statement of Gambling Policy, which expired on 30 January 2019. Following a consultation held between 20 August 2018 and 14 October 2018, the Committee was asked to assess the feedback received and decide upon any proposed amendments as set out in Appendix F to the report, before recommendation to Council. It was advised that the amendments would bring Sevenoaks in line with partners at Tunbridge Wells and Maidstone. Members considered written representations from various interested parties.

The Chairman brought the Committee's attention to minor errors within the draft policy, which the Committee agreed could be corrected, in consultation with the Chairman, before submission to Council.

The Committee also considered the section on Gambling Prevalence and Problem Gambling and questioned if enough was included on how the policy would tackle the issue of problem gambling.

It was suggested that an extra consideration could be added to Club Gaming Permits to include 'Whether the club operates a written policy to identify problem gamblers with a view to restricting their participation.'

Members questioned the accuracy of suggesting a club having shareholders indicated that it was a business venture when assessing Club Gaming Permits applications. It was agreed that the question should be changed to 'Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club.)'

The Chairman moved the recommendations as set out within the report subject to all the amendments discussed above and it was

Resolved: That

- a) it be recommended to Council that the revised Statement of Gambling Policy as amended by (b), (c) and (d) below be adopted as from 31 January 2019;

- b) a number of minor errors be amended in consultation with the Chairman, prior to submission to Council;
- c) the sentence ‘whether the club operates a written policy to identify problem gamblers with a view to restricting their participation.’ be added as a consideration in assessing clubs on page 18 of the Policy; and
- d) the condition that currently reads ‘Are there shareholders or members. Shareholders indicate a business venture rather than a non-profit making club,’ be amended to read ‘Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club.)’, prior to submission to Council.

Since the meeting of the Licensing Committee on 1 November 2018, Officers have had a further opportunity to consider the proposed amendments to the draft Statement of Gambling Policy.

One of the recommendations of the Committee (part (c) of the resolution above) was to include the following wording on page 18 of the Policy under the list of factors for the Licensing Authority to consider when issuing Club Gaming and Club Machines Permits:

“whether the club operates a written policy to identify problem gamblers with a view to restricting their participation”

The intention had been for the Council to encourage clubs to have appropriate policies in place to prevent and restrict problem gambling. Unfortunately, when considering this proposal further, Officers are of the opinion that amendment would not have the intended effect. The tests the Council must carry out when assessing an application are factual questions about the constitution and activities of the clubs. The status of written policies would not be relevant for these questions. The Council has clear legal grounds on which it can refuse to grant a permit (set out on page 17 of the Policy) and the Council is not permitted to impose any conditions on applicants.

Therefore Officers have not incorporated this change into the amended Policy. All other changes have been made.

Appendix A to the attached report is the amended policy in line with all of the above.