

Extract from the draft minutes of the Licensing Committee meeting of 10 November 2021

143. Gambling Act 2005 Policy – Results of Consultation

Jon Ruder, Licensing and Food Safety Manager, attended the meeting to present the report and assist the Committee with its enquiries. The Committee were requested to consider all the responses that had been received to the recent consultation in respect of Colchester Borough Council's (the Council) draft Gambling Act 2005 Policy – Statement of Principles for Gambling 2022-2025, with a view to recommending the draft document to Full Council for formal approval and adoption.

There had been very little feedback to the consultation, with responses being received from Essex Police, who confirmed they were happy with the document, Councillor Cope and Essex County Council Child and Adult Safeguarding Services. Essex County Council Child and Adult Safeguarding Services had made some suggestions to the wording of the Policy and had also requested the addition of a new licensing objective. It was not possible to include the new proposed licensing objective as these objectives were set by legislation, however, the wording of the Policy had been changed in accordance with the comments made, as set out in the report. Councillor Cope had raised a concern about the use of fixed odds betting terminals, but the Committee were advised that the law had changed in relation to these terminals to reduce the potential winnings and amounts which could be staked, making them less attractive to betting operators, and the provision of these terminals was declining as a result.

Councillor Harris voiced his support of the proposed Policy which was regularly reviewed by the Committee. He referred to a recent meeting of the Licensing Sub-Committee which had considered an application made under the Gambling Act 2005, and considered that the iteration of the Policy document that was then in place had provided excellent guidance to the applicant on safeguarding issues. It was right and proper that the Policy was reviewed and the consultation responses that had been received had been helpful. Councillor Harris was very happy with the work that had been carried out by Officers and considered that the Policy document which was being proposed was good and sound.

Councillor Buston echoed the previous comments, and reminded the Committee that a review of the Policy was required by statute and gave an opportunity for minor improvements to be made. The Committee noted its thanks to Officers for the recent training which had been provided in respect of the Gambling Act 2005, and which

had been very helpful when considering the draft Policy in detail.

Councillor Harris questioned the use of the required Local Area Profiles in respect of applications, and, given the changing face of Colchester, wondered how the Local Area Profiles would inform decisions where an area had changed. Jon Ruder explained that every application for a premises licence under the Gambling Act 2005 had to provide a risk assessment relating to the area in which the application was made. This risk assessment had to take account of the locality, including local demographic and population density information together with other local features. Although the Policy itself would remain in place for three years, the Local Area Profile would be regularly reviewed and updated as the area changed so that up to date information was always available for use in formulating risk assessments. It was confirmed to the Committee that the Profile was only used in relation to applications made under the Gambling Act 2005.

Councillor Moore made reference to concerns that had been raised by Committee Members in the past about the about of money that had been potentially taken out of vulnerable communities by gambling establishments, and queried whether it was possible or desirable for the Council to take a view on the location of such establishments. Did the Council have the power to refuse applications on these grounds, and was it advisable to do so? By way of response, Jon Ruder explained to the Committee that applications for a premises licence under the Gambling Act 2005 would be made to the Council, and the applicant was free to choose the area in which they wished to trade. Notwithstanding this, regard had to be given by the applicant to the LAP when making an application, and it was possible for representations to be made against the application, which would mean that the matter would be referred to the Committee to be determined. In reaching a decision, the Committee would have regard to the evidence that was placed before it.

Councillor Buston reminded the Committee that in considering any application, it was required to weigh the evidence provided alongside the Council's Policies. The Committee was concerned with ensuring that future problems that may be caused by an application being granted were prevented as far as was possible, where the evidence provided allowed this. It was considered of key importance that the Policies of the Council were as well written as possible to help to guard against future problems arising, as every applicant needed to have regard to the both the Council's Policies and the licensing objectives.

The Committee considered whether it would be appropriate to object to an application for a betting shop, if one should be made for a premises in an area which already had two well run shops, on the grounds that this may have an overall negative impact on the local community. Jon Ruder advised the Committee that there was no cumulative impact zone in place in Colchester, and every application

would be decided on its own merits. It was for ward Councillors and local residents to raise concerns in respect of an application if they felt that this was appropriate.

RESOLVED that:

(a) the Committee had considered the consultation responses and proposed amendments to Colchester Borough Council's Statement of Principles for Gambling;

(b) the draft Statement of Principles be agreed.

RECOMMENDED to COUNCIL that the Gambling Act 2005 Policy – Statement of Principles for Gambling 2022-2025 be approved and adopted and included within the Policy Framework.