

DEPARTMENT: ENVIRONMENT AND LEISURE

ORIGINATING SECTION : PUBLIC PROTECTION SERVICE

REPORT TO : LICENSING COMMITTEE

15/11/2021

TITLE : CONSULTATION ON GAMBLING ACT 2005 – REVISION OF STATEMENT OF POLICY 2022

1. PURPOSE

To inform members of the current consultation being undertaken about the revision of the Gambling Act 2005 Statement of Policy.

2. RECOMMENDATIONS

That members note the report and put forward any recommendations that they may have for inclusion in the revised policy.

3. KEY ISSUES

The Licensing Authority, on behalf of the Council, is currently consulting on a revised Policy Statement for the Gambling Act 2005. A copy of the proposed policy is at appendix 1.

The document is based on a template issued by the Local Government Association. The aim of this is to promote a nationwide consistent approach on Gambling policy.

The Public Protection Service is consulting on a national and local level with businesses and organisations affected by the policy. The residents of the Borough have been consulted via the Council's website and through Resident Associations.

The consultation is being undertaken from 5 November to 12 December 2021.

4. RATIONALE

The Council is required to publish a Statement of Licensing Policy under the Gambling Act 2005, which is a statement of principles that the Licensing Authority must consider when determining a Premises Licence application. This policy must be reviewed every three years and the next date for agreement of the policy is January 2022.

The Statement of Licensing Policy is a comprehensive document which defines the principles in exercising:

- The powers to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm
- The powers to determine whether a person is an interested person in relation to a premises licence, or an application for or in respect of a premises licence.
- The functions with respect to the exchange of information between the Licensing Authority and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of

information between the Licensing Authority and other persons listed in schedule 6 to the Act.

- The principles to be applied by the Licensing Authority in exercising the functions under part 15 of the Act with respect to the inspection of premises and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The current Statement of Policy was agreed in 2019. The proposed new policy is in the draft at Appendix 1.

In addition to amendments of contact details, titles of legislation, updating links/references to new guidance and new figures the main change is at section 9 - Public Health and Gambling. This recognises that, whilst Public Health is not a responsible authority under the Act, they can still assist the Licensing Authority to address gambling-related harms in the area. Therefore it is proposed the Licensing Authority will consult with the Director of Public Health on premises licence applications. Also included is information and statistics from the Public Health team around gambling harm in the Borough.

The Government are currently carrying out a review of the Gambling Act 2005 – their call for evidence closed on 31st March 2021. Once the outcome of this review is published a further, more in-depth update to the policy may be required.

The licensing objectives are outlined below for information:

- 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,
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

5. POLICY IMPLICATIONS

Approval of the policy is deemed a key decision and will be considered by Full Council at the meeting scheduled for 27 January 2022.

6. FINANCIAL IMPLICATIONS

The financial costs incurred by the consultation and the publication of the revised document will be borne by the fees levied for gambling premises.

7. LEGAL IMPLICATIONS

None.

8. RESOURCE IMPLICATIONS

Existing staff in the Public Protection Service will undertake the associated work in revising and implementing the Statement of Gambling Policy.

9. CONSULTATIONS

As detailed in Key Issues.

10 . CONTACT OFFICER

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