

**REPORT OF: EXECUTIVE MEMBER FOR
ENVIRONMENT**

TO: COUNCIL FORUM

ON: 27 January 2022

GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY – 2022-25

1. PURPOSE OF THE REPORT

1.1 To seek adoption of the Statement of Policy.

2. RECOMMENDATIONS

2.1 That the Council approves the revised Statement of Licensing Policy for the Gambling Act 2005.

3. BACKGROUND

3.1 The Council is required to publish a Statement of Licensing Policy under the Gambling Act 2005 (the Act). This is a statement of principles that the Licensing Authority must consider when determining applications for premises licences for gambling establishments and sets out the approach which will be taken when dealing with permissions the Council grants and enforces thereafter.

3.2 It also identifies how the Authority will seek to promote the licensing objectives under the Act, namely:-

- 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.

3.3 The policy must be reviewed every three years; the last policy was published in January 2019.

4. RATIONALE

4.1 The Statement of Policy 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.

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

- The powers to designate 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 other persons listed in schedule 6 to the Act, for example Police and HMRC.
- 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.

4.3 The Public Protection Service has consulted at a national and local level with businesses and organisations affected by the policy. The consultation lasted from 3 November to 12 December 2021. The residents of the Borough have been consulted via the Council's website and through resident associations.

4.4 The current Statement of Policy was agreed in 2019. The proposed changes for 2022 are very limited as Government is currently carrying out a review of the Gambling Act 2005. Once the outcome of this review is published a further, more in-depth review of our policy may be required.

In light of this no major changes have been made to the policy.

The key changes (other than updating contact details, titles of legislation, links/references to new guidance and figures) include:

- References to the updated Gambling Commission Guidance to Licensing Authorities amended in line with the new guidance;
- Information now included in relation to considerations and proximity to sensitive premises;
- Number of gambling related premises licensed / permitted in Blackburn with Darwen;
- Updated information on consulting with Public Health

4.5 The proposed policy was taken to Licensing Committee on 15 November 2021. No proposals or comments were made by the Committee for alteration of the updated policy.

One response has been received from Public Health in relation to a paragraph from the previous consultation which is no longer relevant and the policy has been amended accordingly.

4.6 There are no risks associated with publication of the Statement of Policy for the Gambling Act.

4.7 The statement of policy explains how the Council will exercise its functions to protect residents and visitors from the potential harms from gambling whilst allowing responsible businesses to operate.

5. POLICY IMPLICATIONS

5.1 Please see comments in the body of the report. The Council's Constitution requires the Licensing Policy Statement to be approved by Full Council as part of the policy framework.

6. FINANCIAL IMPLICATIONS

6.1 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

7.1 The Council is required to publish a Statement of Licensing Policy under the Gambling Act 2005. The statement must be reviewed every 3 years. Blackburn with Darwen Borough Council last published a Statement of Licensing Policy under the Gambling Act 2005 in 2019 therefore there is a theoretical risk of legal challenge if the reviewed and amended document attached to this report is not approved.

8. RESOURCE IMPLICATIONS

8.1 Existing staff in the public protection service will undertake the associated work in revising and implementing the Statement of Gambling Policy.

9. EQUALITY IMPLICATIONS

9.1 An initial Equality Impact Assessment has been completed. No negative impacts are anticipated.

10. CONSULTATIONS

10.1 Details of consultation are included in paragraph 4.3.

Chief Officer/Member

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Manager
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Date: 13 December 2021
Background Papers: None