

Licensing and Safety Committee

25 June 2024

Statement of Gambling Policy 2025-2028

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Summary

To present Members with the proposed consultation to review the Statement of Gambling Policy under the Gambling Act 2005.

1. Recommendations

- 1.1. That the Committee note the proposed consultation methodology and instruct the Assistant Licensing Manager to proceed with the same.
- 1.2. That the results of this consultation be reported back to the Committee together with a revised draft Statement of Gambling Policy, prior to consideration by Business Support and Digital Overview and Scrutiny Committee, Cabinet and Full Council for approval.

2. Budget and policy framework

- 2.1. The Statement of Gambling Policy under the Gambling Act 2005 is a policy framework document and final approval is a matter for Full Council, following consideration by the Licensing and Safety Committee, Business Support and Digital Overview and Scrutiny Committee and Cabinet.

3. Background

- 3.1. Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Gambling Policy every three years. Such a policy must be published before the authority carries out any function in respect of applications made under the 2005 Act.
- 3.2. The current Statement of Gambling Policy was approved by Full Council on 7 October 2021, published on 3 January 2022, took effect on 31 January 2022 and will expire on 30 January 2025. A new policy will therefore need to be adopted at Council on 17 October 2024

4. Proposed Revision

- 4.1. The Gambling Commission publish a statutory 'Guidance to Licensing Authorities' document as prescribed by the Gambling Act 2005. The Licensing Authority must consider any amendments made to the Guidance when reviewing their Policy.
- 4.2. The Gambling Commission notified all authorities that they have ongoing consultations, which means it is unlikely a new guidance document will be published before the required implementation of our Gambling Policies.
- 4.3. A draft Statement of Gambling Policy 2025-2028 can be found at Appendix A.
- 4.4. The proposed changes are of a minor nature including:
 - 4.4.1. Updating website links and statistical data.
 - 4.4.2. Ensuring the document is fully accessible to all once published, and;
 - 4.4.3. Replacing the appendix containing the Responsible Authority contact details with a link to them on the website. This is to match the decision made for the Licensing Act 2003 Policy, where the details are kept on the website. This will make it quicker and easier for prospective applicants to find and access this information, and for officers to update the details should they change mid-term of a policy.

5. Risk Management

- 5.1. Whilst each individual application will be judged on its own merits, a documented policy ensures a transparent and consistent approach to licensing that reduces the opportunity for challenge through the Courts. Challenges to a particular decision are more likely to fail if the Council can demonstrate that it has adhered to its published policy and there was no reason to depart from it. Any departure from the policy will be based on material evidence and will be documented giving clear and compelling reasons for such departure.

6. Consultation

- 6.1. Before determining its policy, the Licensing Authority must consult the persons listed in section 349(3) of the Gambling Act 2005. There are:
 - 6.1.1. The Chief officer of Police.
 - 6.1.2. One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the borough.
 - 6.1.3. One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act.

6.2. The statutory guidance states that the list of persons to be consulted is deliberately wide to allow licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Policy. It is however a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with.

6.3. In accordance with this guidance, it is proposed that we consult with:

- All licence holders
- All Ward councillors.
- Parish Councils.
- All bodies designated under section 157 of the act as Responsible Authorities.
- Trading Standards.
- Association of British bookmakers.
- National Casino Forum.
- British Amusement Catering Trade Association.
- Bingo Association.
- The British Horseracing Authority Limited
- British Beer and Pub Association.
- British Institute of Innkeeping.
- Gamblers Anonymous.
- GamCare.
- Gambleaware.
- Samaritans.
- Citizens Advice Bureau.
- Gordon Moody Association

6.4. A four-week consultation period is proposed from 26 June to 23 July 2024. Methods of consultation will be via the Council's website and by direct email and mail shots. A four week consultation is recommended because the changes are administrative and wouldn't materially alter the existing policy.

6.5. All responses will be evaluated and a recommendation given as to any proposed amendment to the policy.

6.6. These will be brought back to the Licensing and Safety Committee, post consultation, to review.

7. Financial implications

7.1. The cost of consultation and publishing an updated policy will be met from within existing budgets.

8. Legal implications

8.1. Section 349 of the Gambling Act 2005 requires each licensing authority to prepare and publish a statement of principles that they propose to apply in

exercising their functions under the Act. The policy will last for a 3 year period but can be reviewed at any time during that period.

- 8.2. Rights of appeal to the Magistrates Council are granted to all applicants and licensees who are aggrieved by any licensing decisions.
- 8.3. An inappropriately worded policy could result in a legal challenge by way of judicial review. The policy has been prepared taking account of the guidance issued by the Gambling Commission.

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Appendices

Appendix A – Draft Statement of Gambling Policy 2025-2028

Background papers

None