Licensing and Safety Committee

6 August 2024

Statement of Gambling Policy 2025-2028

Portfolio Holder:	Councillor Alex Paterson, Portfolio Holder for Community Safety, Highways and Enforcement
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Summary

To present Members with the consultation responses received in respect of the draft revised Gambling Policy. The report includes an evaluation of each response and gives a recommendation as to whether or not to amend the draft revised policy statement and, if so, in what way and to what extent. Member input is sought in finalising the policy statement for publication and implementation subject to approval by Full Council.

1.   Recommendations

1.1.   That the Committee note the response received during the consultation and advise on any amendments to the draft policy.

1.2.   That the Committee recommend approval of the draft policy to Business Support and Digital Overview and Scrutiny Committee, Cabinet and Council.

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 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 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.   Risk Management

4.1. 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 he Gambling Commission publish a 'Guidance to Licensing Authorities' document as prescribed by the Gambling Act 2005.

5.   Consultation

5.1. A four-week consultation was carried out from 26 June to 23 July 2024.

5.2. Consultees and the consultation methodology were as previously outlined to, and approved by, this Committee.

5.3. One response was received from GamCare. The response and an evaluation of it can be found in Appendix A.

5.4. It is recommended that we make no changes to the draft policy following the consultation. The draft policy can be found at Appendix B.

6.   Financial implications

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

7.   Legal implications

7.1. 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.

7.2. Rights of appeal to the Magistrates Council are granted to all applicants and licensees who are aggrieved by any licensing decisions.

7.3. 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 – Consultation responses and evaluation

Appendix B – Draft Statement of Gambling Policy 2025-2028

Background papers

None