
Subject: 2019-2022 REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005

Meeting and Date: Cabinet – 3 June 2019

Report of: Diane Croucher, Head of Regulatory Services

Portfolio Holder: Councillor Nigel Collor, Portfolio Holder for Transport and Licensing

Decision Type: Key Decision

Classification: Unrestricted

Purpose of the report: To introduce and seek approval to consult on the draft revised Statement of Policy and Principles issued under the Gambling Act 2005.

Recommendation:

1. That Cabinet approves the draft revised Statement of Policy and Principles under the Gambling Act 2005 and authorises the commencement of a period of public consultation, between 10 June 2019 and 22 July 2019.
2. That the Portfolio Holder for Transport and Licensing be authorised in the following terms:
 - (a) In the event that no consultation responses are received, that the Portfolio Holder proposes adoption of the Statement of Policy to the full Council without modification.
 - (b) In the event that limited consultation responses are received, that the Portfolio Holder proposes adoption of the Statement of Policy to the full Council with modification.
 - (c) In the event that significant consultation responses are received, that the Portfolio Holder refers the matter back to full Cabinet in order that they may make a proposal to the full Council.

1. Summary

1.1 Section 349 of the Gambling Act 2005 (“the Act”) requires that the Licensing Authority publish a Statement of Policy and Principals as to how it will exercise its functions under the Act.

1.2 Although in practice the policy is monitored and reviewed continuously by the Licensing Section, the Gambling Act 2005 also requires that the above policy be formally reviewed every 3 years. It is now time for that formal review to be

undertaken. A copy of the revised draft policy is included at **Appendix A**. A copy of the current policy dated 2016 – 19 is shown at **Appendix B**.

- 1.3 Whilst the adoption of the policy must be a decision of full Council, the Local Authorities (Functions and Responsibilities) (England) Regulations require that for the purposes of s.349 of the Act, the Executive are also involved in the decision making process.
- 1.4 It is intended that the Statement of Policy be proposed for adoption, after the aforementioned consultation period, at the meeting of Council on 30 October 2019. Following adoption of the Policy by the full Council, the authority are required to publish the revised Statement of Policy for a period of four weeks, prior to it coming into effect.
- 1.5 In compliance with the requirements of s.349 of the Act, it is intended that the authority will send a copy of the draft revised policy to each responsible authority and other bodies that represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act. It is also intended to send details of where the draft policy can be viewed to each of the operators who hold a premises licence within the licensing district, who will represent the interests of those carrying on gambling businesses in the area. There are 32 such licences. The issuing of permits is dealt with under a separate, subordinate, policy that is not required to be reviewed at this time

2. **Introduction and Background**

- 2.1 The Guidance to Licensing Authorities published by the Gambling Commission (revised September 2015) states, in relation to consultation, that consultation should follow best practice as set out by the Department for Business, Enterprise and Regulatory Reform. In fact, this guidance has been replaced with guidelines published by the Cabinet Office and this suggests that timescales for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a considered response. It goes on to say that the timing and length of a consultation should be decided on a case by case basis. In this instance, it is proposed that the period of consultation for this review should be 6 weeks.
- 2.2 The Gambling Act 2005 has produced little if any problems. We have been fortunate in that the Gambling Commission continue to offer support and joint working in order to ensure early interventions where potential problems have arisen. It is anticipated that this productive work will continue in the future.
- 2.3 Whilst we are not complacent as to the potential detrimental effects of gambling, this licensing area does not appear to be suffering to the degree of some inner city authorities. This may reflect the racial and age demographics of the district.
- 2.4 An Equality Impact Assessment has been carried out in accordance with corporate policy and is attached at **Appendix C**.

3 **Identification of Options**

- 3.1 To approve the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and to authorise a period of public consultation.
- 3.2 To amend the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and to authorise a period of public consultation.

- 3.3 To reject the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and retain the existing policies.

4. Evaluation of Options

- 4.1 To approve the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and to authorise a period of public consultation. (Recommended)

This is the preferred option as the policy is due for review.

- 4.2 To amend the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and to authorise a period of public consultation.

Members may wish to amend the policy prior to consultation.

- 4.3 To reject the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 and retain the existing policies.

This option is not advised as the Licensing Authority has a duty under section 349 of the Gambling Act 2005 to review its policy at least every 3 years.

5. Resource Implications

The only resource implications for this proposal are to cover the costs of consultation. This will involve the posting of policy on the website and a letter drop to each responsible authority and other interested parties. These costs will be accommodated within the existing budget provision.

6 Corporate Implications

- 6.1 Comment from the Finance Officer: Finance has been consulted and has nothing further to add (SB)

- 6.2 Comment from the Solicitor to the Council: The Head of Governance has been consulted during the preparation of this report and has no further comment to make.

- 6.3 Comment from the Equalities Officer: In preparation for the report it is noted that an Equality Impact Assessment has been carried out which has resulted in no significant issues arising from this assessment. However, in discharging their responsibilities, Members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

- 6.4 Other Officers (as appropriate): None.

7 Appendices

Appendix A – Revised Draft Statement of Policy and Principles issued under the Gambling Act 2005 (2019–22)

Appendix B – Current Statement of Policy and Principles issued under the Gambling Act 2005 (2016-19)

Appendix C – Equalities Impact Assessment

Background Papers

Gambling Commission – Guidance to Licensing Authorities 4th Edition

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