

Subject:	REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005 (2023-2026)
Notification Date:	24 August 2023
Implementation Date:	31 August 2023
Decision taken by:	Councillor Jamie Pout, Portfolio Holder for Transport, Licensing and Environmental Services
Authority:	Paragraph 12 of Section 3C (General Responsibilities Delegated to all Members of the Executive) of Part 3 (Responsibility for Functions) of the Constitution
Decision Type:	Executive Non-Key Decision
Call-in to apply:	Yes (<i>Call-in will expire at 10.00am on 31 August 2023</i>)
Classification:	Unrestricted

Reason for the decision:	To introduce and seek approval to consult on the draft revised Statement of Policy and Principles issued under the Gambling Act 2005.
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Decision:	<ol style="list-style-type: none"> 1. That the Portfolio Holder for Transport, Licensing and Environmental Services approves the draft revised Statement of Policy and Principles under the Gambling Act 2005 and authorises the commencement of a period of public consultation, to run for a period of 4 weeks. 2. That the Portfolio Holder for Transport, Licensing and Environmental Services be authorised in the following terms: <ol style="list-style-type: none"> (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 Cabinet in order that it may make a proposal to the full Council.
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1. Summary

1.1 Section 349 of the Gambling Act 2005 (“the Act”) requires that the Licensing Authority publishes a Statement of Policy and Principles 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**.
- 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 is also involved in the decision-making process.
- 1.4 It is intended that the Statement of Policy be proposed for adoption, after the consultation period, at the meeting of Council on 18 October 2023. Following adoption of the policy by the full Council, the authority is 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 16 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 May 2023) states, in relation to consultation, that consultation should follow best practice as set out by the Department for Business, Energy and Industrial Strategy. 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 4 weeks.
- 2.2 The Gambling Act 2005 has produced little if any problems. The Council has been fortunate in that the Gambling Commission continues 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 the Council is 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.

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.

The Portfolio Holder 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 to 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 the 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 Appendices

Appendix A – Revised Draft Statement of Policy and Principles issued under the Gambling Act 2005 (2023 – 26)

Background Papers

Gambling Commission – Guidance to Licensing Authorities

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