
Subject: 2023 – 2026 REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005

Meeting and Date: Council – 18 October 2023

Report of: Louise May, Strategic Director (Corporate & Regulatory)

Classification: Unrestricted

Purpose of the report: To seek adoption of the revised Statement of Policy and Principles issued under the Gambling Act 2005 following the consultation process.

Recommendation: That Council approve the revised Statement of Policy and Principles under the Gambling Act 2005 without modification.

1. Summary

- 1.1 Section 349 of the Gambling Act 2005 (“the Act”) requires that the Licensing Authority publish 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. A formal review was undertaken and a revised draft policy prepared in July 2023. Following a period of consultation, the Statement of Policy is now ready for adoption.

2. Introduction and Background

- 2.1 The Gambling Act 2005 has produced little if any problems. Our liaison with the Gambling Commission has been good and produced early interventions where potential problems have arisen. It is anticipated that this productive work will continue in the future.
- 2.2 The adoption of the revised Statement of Policy must be a decision of full Council, but 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. As such, the draft policy was approved by the Portfolio Holder for Transport, Licensing and Environmental Services for a period of consultation, on the basis that, in the event of no or limited representations being received as a result of the consultation, the Portfolio Holder for Transport, Licensing and Environmental Services should propose adoption of the Statement of Policy, with or without modification as necessary. The Portfolio Holder for Transport, Licensing and Environmental Services has referred the policy to Council for adoption without modification.
- 2.3 Consultation took place between 23 August and 20 September 2023. In compliance with the requirements of s.349 of the Act, the authority wrote 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. A letter was also sent 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. No comments were received in response to this consultation.

- 2.4 Should the full Council determine to adopt the Policy, the authority are required to publish the revised Statement of Policy for a period of four weeks, prior to it coming into effect.
- 2.5 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.
- 2.6 There have been no changes to the revised Statement of Policy, apart from to update local information and dates. A copy of the revised policy is shown at **Appendix A**.
- 2.7 An Equality Impact Assessment has been carried out in accordance with corporate policy and is attached at **Appendix B**. No negative impact is expected on those groups who hold a protected characteristic.

3. **Identification of Options**

- 3.1 To adopt the revised Statement of Policy and Principles under the Gambling Act 2005.
- 3.2 To amend the revised Statement of Policy and Principles under the Gambling Act 2005.
- 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 adopt the revised draft of the Statement of Policy and Principles under the Gambling Act 2005 (Recommended)

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

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

Members may wish to amend the policy. However, Members should note that if any significant changes are made, it may be necessary to undertake a further period of public consultation, thus delaying implementation of the new policy.

- 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 is required under section 349 of the Gambling Act 2005 to review its policy at least every 3 years.

5. **Resource Implications**

There are no resource implications.

6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Accountancy has been consulted on the report and have no further comments to add (WP).
- 6.2 Comment from the Solicitor to the Council: The Strategic Director (Corporate & Regulatory) 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>.

7. **Appendices**

Appendix A – Revised Draft Statement of Policy and Principles 2023 - 26

Appendix B – Equalities Impact Assessment

8. **Background Papers**

Gambling Commission – Guidance to Licensing Authorities 5th Edition

Contact Officer: Rebecca Pordage, Licensing Manager, ext 42279