

COUNCIL

Thursday, 11 November 2021

DRAFT GAMBLING ACT POLICY

Report of the Legal Services Manager

Recommendation(s)

It is recommended that the Council considers the proposed Statement of Licensing Policy and adopts it as policy with effect from 31 January 2022.

Summary

Section 349 of the Gambling Act 2005 requires the Council, as licensing authority, to prepare and publish a statement of licensing principles (SLP) that it proposes to apply in exercising its functions under the Act. The Council adopted its first policy from January 2007. This policy must be reviewed at least every three years, the last review was in 2018.

Statutory Powers

Section 349 Gambling Act 2005

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006

Strategic Implications

1. This report relates to the Council's regulatory duties. In this case the proposals aim is to adopt a statement of licensing principles (SLP) with effect from 31 January 2022 for the next three years.

Introduction

2. The Council has a statutory obligation to adopt, review and maintain a Statement of Licensing Principles (policy) in relation to the functions allocated to it under the Act. Whilst, generally, functions are delegated to the Licensing Committee under the Act, setting the SLP is one of the exceptions and must therefore be determined by Council.
3. The current draft SLP was available on the Council's website throughout the consultation period – **Appendix 1**

4. Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act.
5. The Act provides for three categories of licence:-
 - (a) Operating licences
 - (b) Personal licences; and
 - (c) Premises licences
6. The Gambling Commission issues operating licences and personal licences and licensing authorities issue premises licences
7. The main functions of licensing authorities under the Act are as follows: -
 - Licensing premises for gambling activities
 - Considering notices given for the temporary use of premises for gambling
 - Granting permits for gaming machines in alcohol licensed premises
 - Granting permits to family entertainment centres for the use of certain lower stake gaming machines
 - Granting permits for prize gaming
 - Considering occasional use notices for betting at tracks
 - Registering small societies' lotteries
8. In May 2021 the Gambling Commission issued revised detailed guidance to licensing authorities on the manner in which they are to exercise their functions under the Act, and in particular, the principles they should apply in exercising their functions.
9. The vast majority of the SLP is prescriptive or flows from statutory guidance which is expected to be included in the document unless there is very good reason not to do so.
10. The consultation period finished on 6 September 2021. The Council has received one response to the consultation. This is from Gamble Aware. A copy of the response is attached to this report. – **Appendix 2**
11. The response from Gamble Aware is a generic response offering guidance to local authorities on the content of their SLPs. The points they raise are covered in the SLP to varying degrees.

12. A Draft Statement of Licensing Principles was presented to the Licensing Committee on 6 October 2021 who agreed to recommend the document to Council for adoption with effect from 31 January 2022.

Financial Implications

13. There are no financial implications as a result of this report.

Risk Assessment

14. Failure to adopt such a policy will leave decisions by the authority at risk of challenge.

Equality and Diversity Implications

15. After due consideration, the issues raised in this report do not warrant a full Equalities Impact Assessment as there are measures within the policy requiring licence holders to undertake risk assessments and put in mitigation to reduce the risks identified.

16. Climate Change and Environmental Implications

It is considered there will be no implications to the environment or climate change.

Conclusion

17. Once approved the Statement of Licensing Principles will be adopted from 31 January 2022 and will require review again before January 2025.

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LICENSING OFFICER

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Appendices Attached: 2

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

* List Background Papers or state None.