

Licensing Committee



30 October 2023

Title	Gambling Act Policy 2024-2027 Draft for Consultation.
Purpose of the report	To make a decision
Report Author	Lucy Catlyn, Principal Licensing Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not Applicable
Corporate Priority	Community Environment Service delivery
Recommendations	Committee is asked to: Licensing Committee is asked to approve the draft Statement of Gambling Policy 2024-2027 for consultation in accordance with the timetable specified in this report
Reason for Recommendation	Statutory requirement under the Gambling Act 2005

1. Summary of the report

1.1 This report seeks to obtain authority from the Licensing Committee to approve the draft Statement of Gambling Policy 2024-2027 for consultation in accordance with the timetable specified in this report.

2. Key issues

2.1 The Gambling Act 2005 places a duty on local authorities to licence gambling premises.

2.2 The Act requires all local authorities to produce a Statement of Gambling Principles (the Policy) which licensing officers must give consideration to when determining gambling licence applications for their district.

2.3 It should be noted that functions in relation to the three-year policy statement cannot be delegated and remain functions of the Council.

2.4 The form and content of the draft policy is prescribed by The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.

2.5 The Gambling Commission's latest 'Guidance to Licensing Authorities' dated 13 May 2021 has been taken into account in drafting this review.

- 2.6 Policy development must also take into account the ‘Guidance to Licensing Authorities’.
- 2.7 The Gambling Policy must be reviewed every three years.
- 2.8 Spelthorne Borough Council’s existing policy was approved by this Committee in December 2018 and was valid for the following 3 years. The Policy was not reviewed in December 2021 due to the Coronavirus Pandemic and staff resourcing which resulted in high priority to other work.
- 2.9 A summary of the total number of various difference type of licensed gambling premises in Spelthorne are provided in the table below:

Betting Shops		12
Adult Gaming Centre		1
Track Betting		1
Gaming Machine Notification		35
Club Machine Permit		7
Gaming Machine Permit		8
Club Gaming Permit		3
Bingo		0
Casino		0

- 2.10 The proposed changes to the draft policy attempt to improve the document and clarify any issues, there are changes to wording, additional text and amendments to elaborate and/or make it clearer. In addition, the Local Area Profile (LAP) has been changed so that the new corporate version is linked to the policy.
- 2.11 In addition the length of the draft policy is dictated by the information that has to be included from a legal point of view.
- 2.12 There have not been any substantial changes to the gambling legislation since the last policy review in 2018. Before a revised draft policy can be published Spelthorne must consult with certain stakeholders. There is discretion to consult more widely and the list of organisations and groups that will be consulted are contained in Annex 2 of the draft policy.
- 2.13 The written consultation will allow 8 weeks for responses. The proposed timescale as outlined in this report will achieve this recommendation.
- 2.14 A copy of the draft policy is attached at **Appendix 1**.

3. Options analysis and proposal

- 3.1 The preferred option is for Licensing Committee to approve the draft policy so that it can go out to consultation with relevant stakeholders in accordance with the timetable set out in this report.
- 3.2 The Licensing Committee may also amend the policy.
- 3.3 Licensing Committee is asked to approve the draft Statement of Gambling Policy 2024 – 2027 for consultation.

4. Financial implications

- 4.1 There are no financial implications resulting from the matters considered in this report. Costs associated with consultation and publication are minimal and will be met from within existing Licensing budgets.

5. Risk considerations

- 5.1 Audit have advised:

Risk: A lack of governance in relation to the Gambling Act 2005 may result in a failure to fulfil the Council's statutory requirements.

Mitigation: The Statement of Gambling Policy 2024-2027 is aligned with the licensing objectives as set out in section 1 of the Act. The licensing objectives referenced are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- b) Ensuring that gambling is conducted in a fair and open way.
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Risk: Failure to achieve the licensing objectives set out in the Gambling Act 2005 would imply that the Council is not as effective as it could be in achieving its duty and regulatory functions as a licensing authority.

Mitigation: In carrying out its licensing functions the Council will have regard to guidance issued by the Gambling Commission, the Gambling Commissions licence conditions, and codes of practice.

Risk: An approved Gambling Policy and mechanisms for regular policy review is not in place.

Mitigation: The production and approval of the Statement of Gambling Policy 2024-2027 demonstrates that the Council conforms with the requirement of the Gambling Act 2005.

6. Procurement considerations

- 6.1 This report refers to a draft policy for which there are no Procurement considerations.

7. Legal considerations

- 7.1 Under section 349 of the Gambling Act 2005, a Licensing Authority must prepare and publish the policy they propose to apply in exercising their functions under the Act.
- 7.2 Before determining a statement of policy, the licencing Authority has a statutory duty to consult, and before a statement comes not effect it must be published and advertised.
- 7.3 Prior to the policy coming into effect, it must be advertised in accordance with the Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.

8. Other considerations

- 8.1 In revising the policy and conducting the required consultation the Council will meet the requirements of the Gambling Act 2005.

9. Equality and Diversity

- 9.1 The Council's draft Gambling Policy has been drafted with Equalities issues being considered in the context of the licensing objectives and local area plan. Specifically relevant to people with protected characteristics is the Licensing objective to protect children and other vulnerable persons from being harmed or exploited by gambling. This engages the characteristics of age and potentially disability.
- 9.2 An Equalities Screening Assessment has been carried out. The revised draft policy does not have any impact on protected characteristics.
- 9.3 Members are referred to section 1.5.1 of the draft Policy which sets out how the authority intends to protect children and to section 2.3 concerning Local Risk Assessments, which take into account factors such as the location of premises and their proximity to schools, nurseries, childcare facilities, centres for the care of vulnerable adults and or children, including facilities for the disabled and residential areas with a high concentration of children or older persons, demonstrating that the Council has had due regard to Equalities issues throughout.
- 9.4 The Local Area Plan contains key demographic information for the borough with regard to the protected characteristics under the Equality Act 2010.

10. Sustainability/Climate Change Implications

- 10.1 There are none.

11. Timetable for implementation

- 11.1 In revising the draft policy and conducting the required consultation the Council will meet the requirements of the Gambling Act 2005.
- 11.2 The proposed timetable is as follows:
- Report to Licensing Committee on 30 October 2023 to obtain approval to consult on the revised draft policy.
 - Consult with stakeholders between 10 November 2023 and 5 January 2024.
 - Report to Licensing Committee on 30 January 2024 to seek a recommendation to adopt a final proposed policy.
 - Recommendation to Council on 22 February 2024 to adopt the final proposed policy.

12. Contact

- 12.1 Lucy Catlyn, Principal Licensing Officer (01784 444295)
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Background papers

The Gambling Act 2005 <http://www.legislation.gov.uk/ukpga/2005/19/contents>

The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006. <https://www.legislation.gov.uk/uksi/2006/636/contents/made>

The Gambling Commission's latest 'Guidance to Licensing dated 13 May 2021
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Gambling Commission - Licence Conditions and Codes of Practice dated 31 October 2020
Licence Conditions and Codes of Practice - Gambling Commission

Appendices:

Appendix A – Spelthorne's Gambling Act Policy 2024-2027 (draft for consultation)

Appendix B – Spelthorne's Gambling Act Policy 2019-2022