

Licensing Committee



23 July 2024

Title	Gambling Act Policy 2025-2028 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 2025-2028 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

What is the situation	Why we want to do something
The Gambling Policy needs to be consulted on for 2025-2028.	Statutory requirement to have a Gambling Policy.
This is what we want to do about it	These are the next steps
Approve the draft Statement of Gambling Policy 2025-2028 for consultation in accordance with the timetable specified in this report.	After approval from the Licensing Committee consult on the Gambling Policy 2025-2028.

- 1.1 This report seeks to obtain authority from the Licensing Committee to approve the draft Statement of Gambling Policy 2025-2028 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 at least every three years.
- 2.8 Spelthorne Borough Council’s existing policy was approved by this Committee in December 2023 and remains valid until January 2025.
- 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		34
Club Machine Permit		7
Gaming Machine Permit		8
Club Gaming Permit		3
Bingo		0
Casino		0

- 2.10 As the policy was recently amended there are no changes to make apart from format changes.
- 2.11 The Licensing Authority has consulted with the Gambling Commission who have confirmed that changes to the Statement of Licensing policy to reflect changes are not possible currently. They have further stated that:

“Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement.

Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025. Thereafter we will publish a revised GLA which you can include

in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale.”

2.12 There still has not been any substantial changes to the gambling legislation since the last policy review in 2018 and 2023. 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 2025 – 2028 for consultation.

4. Financial management comments

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 management comments

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 2025-2028 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 2025-2028 demonstrates that the Council conforms with the requirement of the Gambling Act 2005.

6. Procurement comments

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

7. Legal comments

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 23 July 2024 to obtain approval to consult on the revised draft policy.
- Consult with stakeholders between 26 July 2024 and 20 August 2024.
- Report to Licensing Committee on 29 October 2024 to seek a recommendation to adopt a final proposed policy.
- Recommendation to Council on 12 December 2024 to adopt the final proposed policy.

12. Contact

12.1 Lucy Catlyn, Principal Licensing Officer (01784 444295)
l.catlyn@spelthorne.gov.uk or licensing@spelthorne.gov.uk

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: (make sure name of appendices is saved the same as below)

Appendix A – Spelthorne's Gambling Act Policy 2025-2028 (draft for consultation)