

## POLICY FRAMEWORK: REVIEW OF STATEMENT OF GAMBLING POLICY

<b>Cabinet Member(s)</b>	Councillor Eddie Lavery
<b>Cabinet Portfolio(s)</b>	Cabinet Member Residents' Services
<b>Officer Contact(s)</b>	Daniel Ferrer, Residents' Services
<b>Papers with report</b>	<ul style="list-style-type: none"> <li>• Overview of proposed policy changes - Appendix A</li> <li>• Draft Statement of Gambling Policy - Appendix B</li> <li>• Equality Impact Assessment - Appendix C</li> </ul>

### 1.0 HEADLINE INFORMATION

<b>Summary</b>	<p>The Council's Statement of Licensing Policy is being reviewed, in accordance with legislative requirements and the Council's objectives.</p> <p>This report seeks Cabinet approval to undertake a six-week public consultation on the updated draft of this Policy.</p> <p>The Statement of Gambling Policy a 'Policy Framework document' and, therefore, under the law and the Council's Constitution, it requires final approval by full Council.</p>
<b>Putting our Residents First</b>	This Policy contributes to the Council's key objectives of: Our People; Our Built Environment; Our Heritage and Civic Pride.
<b>Financial Cost</b>	The resources required for the consultation can be met from existing budgets.
<b>Relevant Select Committee</b>	Residents' Services Select Committee
<b>Relevant Ward(s)</b>	All

## 2.0 RECOMMENDATIONS

### 2.1 That the Cabinet:

- a) Agrees to a public consultation for the draft Statement of Gambling Policy to take place between 12<sup>th</sup> September 2022 and 24<sup>th</sup> October 2022.
- b) Notes that a further report will be submitted to Cabinet, post consultation, highlighting any consultation responses for Cabinet to consider for inclusion in the final Policy
- c) Notes that the Statement of Gambling Policy is then required to be referred to the full Council for adoption as a policy framework document.

### Reasons for recommendation

- 2.2 The review of the Statement of Gambling Policy and the accompanying consultation support effective and efficient delivery of licensing functions, in accordance with legislation and the Council's objectives, and allow for stakeholder views to be taken into account.

### Alternative options considered / risk management

- 2.3 To not review the Policy nor undertake a consultation. If the policy was not reviewed and consulted on as required, then the Council would not meet its statutory obligations in this respect and legal challenges may follow.

### Select Committee comments

- 2.4 None at this stage, though comments will be sought during the consultation process.

## 3.0 SUPPORTING INFORMATION

- 3.1 The Council is required to review its Statement of Gambling Policy at regular intervals to ensure it is carrying out licensing functions in accordance with current legislation. During this review, consideration has been given to how changes might improve the way in which services are being delivered, to make them more efficient and customer friendly.
- 3.2 A draft updated Statement of Gambling Policy has been produced. This Policy now needs to be consulted upon, prior to final consideration by full Council. An overview of this Policy and the reasons behind the review are detailed below.

## **What is the Statement of Gambling Policy?**

3.3 The Gambling Act 2005 sets out how gambling in Great Britain is regulated. It came fully into force in September 2007, and covers arcades, betting shops, bingo premises, casinos, gaming machines, society lotteries, and remote gambling (including online gambling). It also created and set the functions and objectives of the Gambling Commission as the principal regulator. The Council is required to review the Statement of Gambling Policy every three years. The current policy was last formally reviewed in 2019 and therefore requires updating and adopting in 2022.

## **Updates made**

3.4 In the intervening time there have been only minor changes to legislation and guidance and as such there are very few changes proposed to this policy. This has been incorporated into the revised policy.

3.5 Appendix A sets out a summary of the proposed changes which are mainly technical in nature. Minor wording changes have been made to the delegations relating to gambling functions, to make the draft Policy consistent with the recently approved Council Constitution. Additionally, a minor change is proposed to the Ward Councillor call-in procedure on gambling applications received, clarifying that representations made should set out how the application affects the 4 licensing objectives (as it does already for applications under the Licensing Act). Appendix B sets out the full draft revised policy showing the changes in detail, whilst Appendix C shows an Equality Impact Assessment of the changes proposed, for Cabinet's consideration.

## **Financial Implications**

3.6 The consultation on the draft policy has no direct financial implications. There have been no legislative changes to the set licensing fees for Gambling licence applications. The fees remain statutory and have not altered since the Gambling Act was brought into force in September 2007. The resourcing of the consultation process can be met from existing budgets.

## 4.0 RESIDENT BENEFIT & CONSULTATION

- 4.1 The recommendations will give residents and businesses the opportunity to provide feedback to the Council on the proposed policy through the consultation process.
- 4.2 This report requests Cabinet approval for a public consultation on the policy. Following approval by Cabinet, the policy may be considered by the Licensing Committee, sub-committees of which make licensing decisions with reference to the policy.
- 4.3 As a policy framework document, the Residents' Services Select Committee will have the opportunity to submit comments on the policy prior to resubmission to Cabinet for consideration of responses received.
- 4.4 The draft policy will be sent to statutory consultees, Members of the Authority and any person on request. The draft policy will also be displayed on the Council's website. It is anticipated that Cabinet will be advised of the outcome of the consultations and presented with proposed final drafts of the policies at the scheduled meeting of 15<sup>th</sup> December 2022, with final full Council adoption in January 2023.

## 5.0 CORPORATE CONSIDERATIONS

### Corporate Finance

- 5.1 Corporate Finance has reviewed this report and confirms that there are no direct financial implications associated with the recommendations within this report.

### Legal

- 5.2 Legal Services confirm that there are no specific legal implications arising at the current time. Further, more detailed legal advice will be given as necessary once the outcome of the consultation is known.

## 6.0 BACKGROUND PAPERS

- [Current Statement of Gambling Policy](#)
- [Gambling Commission - Guidance to Licensing Authorities last updated May 2021](#)
- [Gambling Commission – Licence Conditions & Codes of Practice last updated Oct 2020](#)
- [Policy Paper – Review of the Gambling Act 2005 Terms of Reference and Call for Evidence, published December 2020](#)
- [Gambling Act 2005](#)

## Appendix A - Overview of proposed policy changes

### Draft Statement of Gambling Policy

The Council is required by the Gambling Act 2005 to review the Statement of Gambling Policy every three years. The current policy was last formally reviewed in 2019 and therefore requires updating and adopting in 2022.

In the intervening time there have been only minor changes to legislation and as such there are very few changes proposed to this policy.

The current policy works well and acts as a valuable framework for ensuring the principles of the legislation are upheld.

Policy amendments are shown at Appendix B underlined/~~strike through~~ and an overview of those that are material in nature are set out below:

- Front page – Effective dates amended
- Para 1.1, Line 6 “a” inserted before “Licensing Authority
- Para 1.3, bullet point 1. Addition of full name and section of current codes of practice.
- Para 1.4 added – to provide more detail of the effect of the statutory aim to permit gambling
- Para 1.9 added to provide detail on duration of Policy and any Review during this period.
- Para 1.12 – updated consultation dates.
- Old Para 1.12 – removal of word “and” in Declaration section.
- Para 1.15 – Deleting of “Regulatory Service” and amended to read “Licensing”
- Para 1.42 to 1.44 – new “Partnership Working” section added.
- Para 1.46(iii) – added to take into account any guidance issued by the Better Regulation Executive
- Para 1.48 – Added to be consistent with Government guidance re. test purchases
- Para 1.49 - Added to be consistent with Government guidance re. test purchases
- Para 1.51 – Added to clarify that enforcement will be carried out by authorised officers.
- Para 1.52 and 1.53 – Added to detail various enforcement policies.
- Old para 1.48 - Deleted
- Para 1.56 to 1.58 – Added new section re. the Equality Duty
- Para 1.59 & 1.60 – Added new section re. Modern Day Slavery
- Para 1.61 & 1.62 – Added new section re. Primary Authority scheme
- Para 1.63 – Added para re. Advertising of Gambling
- Para 1.64 – Added new section re. Human Rights Act
- Para 4.1 – amending of date
- Para 4.4 – Deletion of last sentence. No longer needed.
- Para 5.5 – 1<sup>st</sup> line, “the” deleted.
- Para 5.5 (i) & (ii) – amended to name specific codes and guidance.

- Para 5.7 – amended to recommend that all relevant British Amusement Catering Trade Association (BACTA) guidance is followed.
- Para 5.8 – Deleted as now covered by amended 5.7
- Para 5.9 – Deleted as now covered by amended 5.7
- Para 5.10 – grammar correction at line 2. “machine” amended to “machines”
- Para 5.40 – Amendment for correct page number for list of categories for gaming machines. Page number to be confirmed.
- Para 5.47 - Amendment for correct page number for list of categories for gaming machines. Page number to be confirmed.
- Para 5.64 - Amendment for correct page number for list of categories for gaming machines. Page number to be confirmed.
- Annex B – updated contacted details for the Responsible Authorities
- Annex C – Delegations, these are amended to reflect the same wording approved in the remodelled Council Constitution adopted in May 2022.
- Annex D – Amended to clarify process for ‘call-in’ of applications and representations from Ward Councillors to indicate how it adversely affects the 4 licensing objectives under the Gambling Act. This will also make it consistent with the wording for any call-in of an application under the Licensing Act 2003. Subject to full Council approval of the Policy it will also be requested to update this in the relevant part of the Council Constitution.

Page and paragraph numbers will be updated on the final policy document.