

## Gambling Act 2005: Statement of Licensing Policy 2022 - 2025

<b>Final Decision-Maker</b>	Full Council
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Lorraine Neale
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

### Executive Summary

The Gambling Act 2005 requires that the Council publish a 'Statement of Licensing Principles that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Council's current Policy Statement was published in January 2019. This report provides Members with information and guidance on a revised Statement of Gambling Policy under the Gambling Act 2005 and requests approval for public consultation.

### Purpose of Report

Decision.

### This report makes the following recommendations to this Committee:

1. That the Committee considers the draft Gambling Act 2005 Statement of Principles 2022-2025 for public consultation, and instructs officers to carry out the consultation as detailed in the report.

### Timetable

<b>Meeting</b>	<b>Date</b>
Licensing Committee	11 November 2021
Council	8 December 2021

# Gambling Act 2005: Statement of Licensing Policy 2022 - 2025

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<ul style="list-style-type: none"> <li><i>This Policy will help to promote a safer borough whilst protecting the health of residents by helping to ensure that gambling activity is safe and controlled</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Cross Cutting Objectives</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Risk Management</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>[Senior Licensing Officer</i>
<b>Financial</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Staffing</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Legal</b>	<ul style="list-style-type: none"> <li><i>The Licensing Authority must formally review its adopted Statement of Principles for the Gambling Act 2005 Policy. Section 349 of the Act requires the authority to review this every three years and keep it under review from time to time. Without an up-to-date Policy in place, this could leave the authority open to legal challenge over the legitimacy of any decisions made</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Privacy and Data Protection</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Equalities</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Public Health</b>	<i>Harm from gambling has become a serious and worsening public health problem in the UK and is found at the individual, social (family and</i>	<i>Health and Inclusion</i>

	<p><i>friends) and community levels. This includes financial hardship, psychological distress and interpersonal conflict or relationship breakdown. The harm from gambling to wider society includes fraud, theft, loss of productivity in the workforce and the cost of treating this addiction, associated anxiety and depression, and potential harms to others from reduced usable income.</i></p>	
<p><b>Crime and Disorder</b></p>	<ul style="list-style-type: none"> <li>• <i>The Council has a statutory duty to contribute to the reduction of crime and disorder within the Borough under S.17 of the Crime and Disorder Act 1988. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime is one of the licensing objectives as defined in the Gambling Act 2005 and in the current statement of Licensing Principles.</i></li> <li>• <i>Section 17, Crime and Disorder Act 1998</i>  <i>17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.</i></li> <li>• <i>The Statement helps to promote a safer borough whilst protecting the health of residents by helping to ensure that gambling activity is safe and controlled</i></li> </ul>	<p><i>Senior Licensing Officer</i></p>
<p><b>Procurement</b></p>	<ul style="list-style-type: none"> <li>• <i>No implications have been identified</i></li> </ul>	<p><i>Senior Licensing Officer</i></p>
<p><b>Biodiversity and Climate Change</b></p>	<ul style="list-style-type: none"> <li>• <i>There are no implications on biodiversity and climate change.</i></li> </ul>	<p><i>Senior Licensing Officer</i></p>

## **2. INTRODUCTION AND BACKGROUND**

### **Background**

2.1 The Gambling Act 2005 requires that the Council publish a 'Statement of Licensing Principles', that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

2.2 The Council's current Policy Statement was published on 12<sup>th</sup> December 2018. This report provides Members with information and guidance on a revised Statement of Gambling Policy under the Gambling Act 2005 and requests approval for public consultation.

2.3 The Gambling Act came into force in September 2007 although the "first appointed day" (when the Council could start to receive applications) was 31 January 2007. In preparation, each licensing authority is required to develop, consult and publish a statement of its licensing policy and principles. The current statement, which is attached at Appendix A sets out the principles which the authority applies in exercising its licensing function under the Act.

2.4 The general principles of the Gambling Policy remain the same and the document is still centred around the Gambling Act's three statutory licensing objectives, namely:

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

2.5 The Statement of Policy needs to provide clarity to applicants and other parties to support the application process, to create efficiencies and manage and demonstrate expectations. It should ensure that applicants have a clear understanding of the impacts of their licensed business or proposed activities on others and what they must do to enhance the positive impacts and mitigate any detrimental impacts.

2.6 The Statement of Policy document, along with the Gambling Act 2005 and the Objectives and Gambling Commission Guidance, will all be referred to when considering applications in respect of the following: -

- Premises licences (this includes casinos, bingo halls, adult gaming centres, family entertainment centres, racetracks and betting shops).
- Permits (licensed premises gaming machine permits, club permits, prize gaming permits, notification of two or less machines).
- Lotteries (small society lotteries, incidental non-commercial lotteries, private lotteries and customer lotteries).
- Temporary use notices and occasional use notices for short term gambling events.

## **Proposal**

2.7 The current statement was comprehensively reviewed in 2018 to reflect the updated Guidance published by the Gambling Commission. Although the Commission has subsequently provided amendments to the guidance in April and May 2021 this does not require any specific amendment to the policy. As such, there are no changes to the proposed statement of principles. It has not been the subject of any legal challenge or complaint. It is therefore considered the current Statement of Gambling Policy remains fit for purpose and Officers are seeking authorisation to consult on the current Statement of Gambling Policy.

## **Consultation**

2.9 Before determining its policy for any three-year period the Licensing Authority must consult the persons listed in section 349(3) of the 2005 Act. These are:

- The Chief Officer of Police
- One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the borough
- One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act.

2.10 The Statutory Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Statement of Policy. It is however a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with.

2.11 In accordance with good practice, and previous Statement of Policy consultations, it is therefore proposed to consult with:

- All Ward Councillors
- Parish Councils
- All bodies designated under s.157 of the Act as Responsible Authorities
- Kent County Council Trading Standards
- Association of British Bookmakers
- National Casino Forum
- British Amusement Catering Trade Association
- Bingo Association
- The British Horseracing Authority Limited
- British Beer and Pub Association
- British Institute of Innkeeping
- Gamblers Anonymous UK
- Gamcare
- Be Gamble Aware
- National Problem Gambling Clinic
- Responsible Gambling Trust

- Samaritans
- Citizen Advice Bureaux
- Gordon Moody Association
- Greene King plc
- Enterprise Inns plc
- Admiral Taverns
- J D Wetherspoon
- Shepherd Neame Ltd
- BetFred
- Buzz Bingo
- Cashino Gaming Ltd
- Family Leisure Holdings Ltd
- Ladbrokes Betting and Gaming Ltd
- Power Leisure Bookmakers Ltd (Paddy Power)
- Jennings Racing Ltd
- William Hill
- Ivor Thomas Amusements Ltd
- Leisure Link and Inspired Gaming
- The General Public

2.12 A 4-week consultation is proposed commencing Monday 27 September 2021 and concluding at the end of Sunday 24<sup>th</sup> October 2021. Methods of consultation will be via the Council's website and notice board and also by direct email and mail shots.

2.13 Following the public consultation, all responses received will be carefully considered and, where appropriate, further necessary amendments will be recommended to the Licensing Committee to consider. The results of the consultation will be provided to Licensing Committee on 11th November 2021. It would then be recommended for approval by Full Council on 8th December 2021 and, following one month's notice in a newspaper, the approved revised policy statement would take effect in January 2022.

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### **3. AVAILABLE OPTIONS**

3.1 The Act requires the Council to review its Statement of Gambling Principles every 3 years and requires that we consult on the proposed statement of principles. A review of the Statement has been completed.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

4.1 A comprehensive updated policy will improve the consistency in delivering the service and will better inform applicants of the licensing process in an open and transparent way, enabling the Authority to continue to have a 'fit for purpose' policy in place.

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## **5. RISK**

5.1 There are no Risk Management issues as the matter has been dealt with in accordance with our Pavement Licensing Policy.

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## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

6.1 N/A

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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

7.1 4 Week consultation.

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## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Draft Statement of Licensing Policy 2022 -2025
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## **9. BACKGROUND PAPERS**

[Gambling Act 2005](#)

[Gambling Act 2005 Guidance to Licensing Authorities](#)