

General Purposes and Licensing Committee - 1 November 2024

Gambling Act 2005 Policy Review

Purpose	Consideration of the draft policy and consultation responses at General Purposes and Licensing Committee on 1 November 2024.
Classification	Public
Executive Summary	<p>The Council must publish a Statement of Licensing Principles (or policy) detailing its responsibilities under the Gambling Act 2005 every three years.</p> <p>Following a consultation process, a draft revised Statement is recommended for adoption.</p>
Recommendations	That Members of the General Purposes and Licensing Committee consider the review of the Gambling Policy with the recommendation of approval.
Reasons for recommendation(s)	It is a legal requirement to review the Statement of Principles (Gambling Policy) every three years
Ward(s)	All
Portfolio Holder(s)	Cllr Dan Poole
Strategic Director(s)	Richard Knott – Strategic Director of Housing & Communities
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Introduction

1. The Gambling Act 2005 requires the Council to publish a Statement of Principles (Gambling Policy) setting out the matters to be considered by the Council when determining applications for licences and permits issued under the Act.
2. The current Policy was published in January 2022 and the Act requires that the Council review the Statement every three years to ensure that it remains current and reflects any changes in legislation or statutory guidance.
3. A draft revised Statement of Principles (attached as an annex to the report) went through a public consultation process between 8 July 2024 and 15 September 2024.
4. Following review of the comments received, it is recommended that the draft policy is adopted.

Background

5. The Council assumed responsibilities for the Gambling Act 2005 in January 2007 which created a new system of licensing and regulation for commercial gambling. It gave Local Authorities responsibilities for licensing premises for gambling including betting and bingo.
6. The Statement of Licensing Principles sets out the matters that will be considered when determining applications for licences, permits and registrations submitted under the Act.
7. The Policy indicates how the Licensing Authority and licence holders should promote the licensing objectives of:
 - 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.
8. The Gambling Act 2005 makes the adoption of the Gambling Act Policy a non-executive function, prior to its recommendation to full Council. This matter will therefore be brought before the General Purposes & Licensing Committee, to approve the Statement for adoption by the Council.

9. Once adopted, the Statement is effective for three years but there is nothing to prevent the Council from reviewing the Statement during this period, if required.

Review of the Statement of Principles.

10. There are no substantive changes to the Statement of Principles (**Appendix 1**) as there have been no changes to statutory guidance or legislation in the past three years.
11. There has been a slight decrease to the number of gambling premises in the district, since the previous policy was published. Two betting premises and an adult gaming centre (AGC) have now closed.
12. Minor additions have been included (highlighted in red) in relation to location of premises, matters relating to planning and other legislation and gaming for alcohol licensed premises and inspections. These additions will assist applicants and aid compliance.
13. Once a new Statement is approved and adopted by the Council, a Notice will be published informing of the Council's intention to adopt the Policy to cover the period January 2025 to December 2027. (inclusive).

Corporate plan priorities

14. The adoption of the Statement of Licensing Principles is a statutory requirement and relates to the following corporate priorities.

Theme:

15. Empowering our residents to live healthy, connected and fulfilling lives.

Corporate Plan Objective:

16. Protect and improve the health and wellbeing of our communities.

Service Objective:

17. Adoption and implementation of the Gambling Policy.

Consultation undertaken

18. The Council is legally required to consult upon the Statement and a consultation process was undertaken between 8 July 2024 and 15 September 2024.
19. The draft document was sent to a number of organisations including the Gambling Commission, Hampshire and Isle of Wight Constabulary, Hampshire and Isle of Wight Fire and Rescue Service, neighbouring Local Authorities, trade organisations and persons representing the interests of people likely to be affected by gambling.

The full list is presented in **(Appendix 2)**.

20. Information on the consultation process and draft Statement was also made available on the Council's website.
21. Three responses were received to the consultation in support of the policy:
 - a. Fordingbridge Town Council Clerk confirmed that the Town Council supported the NFDC Gambling Act Policy as presented, and,
 - b. Minstead Parish Clerk confirmed that Councillors had seen the proposed policy, and at the Council meeting held on Monday 12th August 2024 asked to write expressing the Council's support of the Statement of Licensing Principles (Gambling Act Policy) for the period January 2025 to December 2027 as presented.
22. A further response was received, from Gosschalks Solicitors, on behalf of the Betting and Gaming Council (BGC), stating they *"welcome the light-touch approach to the draft statement of principles, the proposed additions currently shown in red and note the reduction in licensed premises, since the last statement of principles was published"*.
23. They included the suggestion that the heading at 4.0 page 13 of *"Promoting the Licensing Objectives"* be replaced as *"The Licensing Objectives"*. (see **Appendix 3**). The rationale for this being to avoid any confusion regarding requirements and expectations, as the only entity upon which GA 2005 confers a duty to promote the licensing objectives is the Gambling Commission.

Options

24. As highlighted, there are no substantive changes to the policy, only minor additions of clarity, and one amendment.

Option 1

25. For GP & L Committee to accept the proposed additions (highlighted in red), with the amendment received following the consultation and recommend the revised Statement of Licensing Principles for adoption.

Option 2

26. For GP & L Committee to reject the proposed recommendations and not adopt the proposed revised Statement of Principles. However, the Council is legally required to consult upon and adopt a new Policy. Failure to approve and publish a Policy may leave the Council open to

legal challenge when determining licence applications. This option is not recommended.

Financial and resource implications

27. There are no direct financial or resource implications as a result of this report.

Legal implications

28. The Council is required to review and adopt its Statement of Gambling Policy every three years in accordance with Section 349 of the Gambling Act 2005. Legal implications of failing to adopt the policy are set out in Option1.

Crime and disorder implications

29. No specific implications.

Environmental/Climate and nature implications

30. No specific implications.

Equalities implications

31. The Gambling Act 2005 and its associated secondary legislation have been assessed by central government as being compliant with United Kingdom equalities and human rights legislation.

Data protection/Information governance/ICT implications

32. No specific implications.

Conclusion

33. The Council is legally required to consult upon its Statement of Licensing Principles for activities that are regulated by the Gambling Act 2005 (Gambling Policy Statement of Principles) prior to review and adoption. The very low level of responses received would indicate that there is general satisfaction with the proposed Policy.

APPENDICES

Appendix 1- Draft Gambling Act 2005 Policy v01

Appendix 2- List of consultees

Appendix 3-Response from Gosschalks on behalf of BGC