

Report to Licensing Act Committee

Subject: Gedling Gambling Statement of Policy

Date: 5 October 2021

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Purpose

To inform Members of the requirements of the Gambling Act 2005 in relation to the review of the Authority's Gambling Statement of Policy and to seek approval to consult on proposed amendments to the existing policy.

Recommendation(s)

THAT:

- 1) Members note the proposed changes to the Council's Gambling Statement of Policy.**
- 2) Members approve a public consultation for a period of 4 weeks in accordance with the Gambling Act and as detailed in this report.**

1 Background

- 1.1 The Gambling Act 2005 ('the Act') requires Licensing Authorities to prepare and publish at least every three years a statement of policy that they propose to apply when exercising their gambling functions. The Council's first Gambling Statement of Policy was produced in 2007 and the current Gambling Statement of Policy Gedling Borough is due for review by the end of 2021 with a view to publishing a statement of policy in January 2022.
- 1.2 There are three licensing objectives under the Act. Keeping crime out of gambling, ensuring it is fair and open and protecting children and other

vulnerable people from being harmed by gambling.

- 1.3 The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The purpose of the Statement is for the Council to make clear its expectations of gambling operators who have premises in the area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required. It also reduces the risk of matters being escalated to a licensing committee.
- 1.4 Within Nottinghamshire all the eight local authorities, having responsibilities under the Act, have worked closely together through the Nottinghamshire Authorities Licensing Group (NALG) to produce a common basis for their gambling statements of policy to be developed from. NALG comprises officers with legal, environmental health and licensing backgrounds. In amending the existing gambling policy document regard has been had to the guidance from the Gambling Commission and any relevant changes to the Act. In Nottinghamshire each licensing authority has then taken the common document for customisation to reflect local issues prior to embarking on a period of consultation as required by the legislation.
- 1.5 The legal nature of the document reflects the future function of the policy as the basis for determining applications made under the Act. Decisions on applications are subject to legal appeal to the Magistrates' Court.
- 1.6 The proposed amendments to the current policy can be found in the tracked changed document at Appendix 1. The proposed changes to the current policy are considered minor and have been made following advice from the Gambling Commission. The biggest change to the statement can be found at 1.9 of the Statement relating to the Local Area Profile. Previously the Statement contained the Local Area Profile information however this has been amended to instead contain a link to the Council's website for the Local Area Profile information. This is information about the types of licensed premises in the Borough and the Boroughs demographic which is constantly changing meaning the information contained within the Statement can become outdated. Including a link to the Council's website enables the information contained within the statement to remain up-to-date without having to formally amend the policy every time figure change. The current Local Area Profile can be found at Appendix 2.
- 1.7 Under the Act Licensing Authorities are required to carry out a consultation on their policy statements with:
 - The Chief of Police for the licensing authority's area.

- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

- 1.8 As part of the consultation process the draft policy will be published on the Council's website and letters/emails will be sent to the above individuals, groups and organisations stating where the draft policy can be accessed on the website.
- 1.9 The Gambling Statement of Policy is part of the Policy Framework and can only be approved by Full Council. Following on from any consultation, the proposed Statement of Gambling Policy, along with the results of the consultation, will be referred to Full Council for consideration and approval. The Statement will then be advertised prior to it coming into effect in January 2022.

2 Proposal

- 2.1 It is proposed that Members note the proposed amendments to the Authority's Gambling Statement of Policy.
- 2.2 It is proposed that Members approve a public consultation on the proposed amendments to the Gambling Statement of Policy for a period of 4 weeks.

3 Alternative Options

- 3.1 Members could chose not to note the proposed amendments and instead suggest alternative amendments to the policy prior to it going out to consultation. However the proposed changes have been made following advice from the Gambling Commission and through working with NALG and are felt to be appropriate.
- 3.2 In addition the Authority are required by the Act to review the Gambling Statement of Policy every 3 years, the Authority are also required to consult on any changes to the policy statement. If a consultation was not approved this would be contrary to the Act.
- 3.3 Members could approve a longer consultation period of 8-12 weeks. However it is felt that a 4 week consultation is sufficient due to there being few minor changes to the current Statement.

4 Financial Implications

- 4.1 There are no financial implications

5 Legal Implications

- 5.1 Section 349(1) of the Gambling Act 2005 places a legal obligation on the Council to prepare and publish a statement of the principles that the Council propose to apply in exercising their functions under the Gambling Act every 3 years. Failure to do so would be contrary to the Act and leave the Council open to potential claims and judicial review.
- 5.2 Section 349 (3) places a legal obligation on the Council to consult on any changes made to the Gambling Statement of Policy. A consultation must be carried out with the chief officer of police for the authorities area, one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act.
- 5.3 The Gambling Statement of Policy is part of the Council's Policy Framework and is a matter reserved for Full Council. As such the changes will need to be approved by Full Council before the final policy can be implemented.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

- 8.1 Appendix 1 – Policy with tracked changes for consultation
- 8.2 Appendix 2 – Local Area Profile

9 Background Papers

- 9.1 There are no background papers.