

Report to Council

Subject: Gedling Gambling Statement of Policy

Date: 13th November 2024

Author: Director of Place

Purpose

To inform Members of the requirements of the Gambling Act 2005 (the 'Act') in relation to the consultation of the proposed amendments to the Authority's Gambling Statement of Policy and for Members to accept and approve the draft Policy for publication in January 2025.

Recommendation(s)

THAT:

- 1) Members accept and approve the Authority's draft Gambling Statement of Policy for publication in January 2025.**

1 Background

- 1.1 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 2024 with a view to publishing a statement of policy in January 2025.
- 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 an existing gambling policy document regard is given to the guidance from the Gambling Commission and any relevant changes to the Act since the publication of the last policy. 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 Gedling Gambling Statement of Policy for 2025 to 2028 can be found at Appendix 1. In the light of there being no amendments to the Gambling Act 2005 or the Gambling Commissions Guidance to Licensing Authorities since the last policy was published in 2022, and in line with the other Nottinghamshire Authorities, it is proposed that no amendments to the content are required on this policy review. The only amendment is the date the policy is effective from.

A Local Area Profile (LAP) contains information about the types of licensed premises in the Borough and the Borough's demographic which is constantly changing meaning the information contained within the policy can become outdated if the LAP is included in the document. Including a separate link for the LAP on the Councils website enables the information contained in the LAP to remain up to date without having to formally amend the policy every time. 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 regardless of whether amendments are proposed. At the meeting of the Licensing Act Committee on 3rd September 2024 Members approved that the Policy be subject to a 4-week consultation. Under the Act consultees include the Police, gambling businesses and other interested persons. This was done by email and by post. The consultation was also accessible on the Council's website. This consultation ended on 2nd October 2024. The

Council did not receive any relevant representations regarding the Policy during the consultation period.

- 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 of which there were none, must be referred to Full Council for consideration and approval. The Statement will then be advertised prior to it coming into effect in January 2025.

2 Proposal

- 2.1 Members accept and approve the Authority's draft Gambling Statement of Policy for publication in January 2025.

3 Alternative Options

- 3.1 Member could resolve not to approve and publish the Authority's draft Gambling Statement of Policy but this would be in breach of the provisions of the Gambling Act 2005 and leave the Authority open to potential legal proceedings.

4 Financial Implications

- 4.1 There are no financial implications

5 Legal Implications

- 5.1 Section 349(1) of the Act 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.
- 5.2 In preparing a statement or revision under section 349 of the Act a licensing authority is required to consult—
 - a) the chief officer of police for the authority's area,
 - b) 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
 - c) 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.
- 5.3 The Gambling Statement of Policy is part of the Council's Policy Framework and therefore final approval is a matter reserved for Full

Council.

6 Equalities Implications

6.1 Before deciding, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –

- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;

- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);

- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to - tackle prejudice; and - promote understanding.

6.2 Officers have completed an Equalities Impact Assessment attached as Appendix 3. The risks identified were minimal and the policy ensures that the Council is well placed to identify any adverse impact in respect of all protected groups when it is engaged in considering applications.

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 – Proposed Gedling Gambling Statement of Policy 2025-28

8.2 Appendix 2 – Current Local Area Profile

8.3 Appendix 3 – Equality Impact Assessment

9 Background Papers

9.1 There are no background papers.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer