

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Donna Hall – Head of Public Protection

To: Committee of the Licensing Authority, 11th November 2021

(Author: Richard Boole – Public Protection Manager)

Subject Gambling Act Policy (Statement of Principles)

Purpose: Consideration of proposed amendments to the Gambling Policy (Statement of Principles) following consultation.

Recommendation(s):

- 1) That the Committee consider the amended Gambling Policy (Statement of Principles) as shown at Appendix A of this report, which has been updated following public consultation.
- 2) That the Committee agree for the policy to go to full Council for approval and adoption.

1.0 BACKGROUND

- 1.1 Section 349 of the Gambling Act 2005 requires the Council (the Licensing Authority) to prepare and publish a Statement of the Principles (Gambling Policy) that it proposes to apply in exercising its licensing functions. The statement lasts for a maximum of three years but can be reviewed and revised by the Authority at any time. This Authority's current statement took effect in January 2019 so the required review process must be completed by the end of 2021 to enable publication in January 2022. This report summarises the proposed amendments to the Policy.
- 1.2 The Gambling Act 2005 places the responsibility for the licensing of gambling premises and the issuing of gambling permits with Local Authorities, with the associated responsibility for ensuring that the conditions on these licences are upheld. Amongst other matters the 2005 Act deals with the licensing of:
 - Casinos
 - Betting shops
 - Bingo halls
 - Amusement arcades
 - Gaming machines
 - Society lotteries
- 1.3 The Act requires Licensing Authorities to prepare, consult on and publish a Statement of Licensing Principles (Gambling Policy) that they propose to apply in exercising their functions under the Act during the 3-year period to which the policy applies.
- 1.4 Core to the Gambling Act are the licensing objectives. These are:

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

1.5 Section 349 (3) of the 2005 Act requires the Licensing Authority to consult the following on its licensing policy statement or any subsequent revision:

- The Chief Officer of Police;
- 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 Act.

The list of persons to be consulted when preparing the licensing policy statement is deliberately wide. This enables Licensing Authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Licensing Policy statement.

1.6 Section 154 of the 2005 Act indicates that adoption of the Statement of Principles (Gambling Policy) cannot be delegated to the Committee of the Licensing Authority, therefore full Council must adopt the final document. This is different to the granting of gambling premises licences which the Act automatically delegates to the Committee of the Licensing Authority. It is proposed that the Council meeting on 24th November will consider the final version of the proposed revised policy. The timetable for the process is below:

16th September 2021: Draft policy considered by the Committee of the Licensing Authority

20th September 2021: Draft Policy issued for consultation

5th November 2021: Closing date for consultation responses

11th November: Consultation results considered by the Committee of the Licensing Authority. Any appropriate amendments to be made and then recommend the revised Policy to the Council for adoption

24th November 2021: Revised policy to be adopted by the Council

31st January 2022: Revised policy to come into force

1.7 A summary of the proposed changes to the Policy (Statement of Principles) can be found at Appendix A.

1.8 The current Policy (Statement of Principles) can be found at Appendix B.

1.9 We have reviewed the current Gambling Policy in light of experience in dealing with gambling premises and issues over the last three years, as well as considering the Gambling Commission guidance to Licensing Authorities. We have also now taken into consideration any feedback from the public consultation. No consultation responses have been received.

1.10 The following organisations were directly informed of the consultation: -

- Parish Councils
- Lincolnshire Police
- Lincolnshire County Council Trading Standards / Public Health
- Lincolnshire Fire and Rescue
- Lincolnshire Safeguarding Children's Board
- MP for South Holland and the Deepings
- SHDC Planning Service
- Alcoholics Anonymous
- Gamblers Anonymous
- Shine Mental Health Services
- Mencap
- MIND
- Citizen's Advice Bureau
- GamCare
- BACTA
- Bingo Association
- British Beer & Pub Association
- British Institute of Inkeeping
- Adult Gaming Centre, Family Entertainment Centre and Bingo premises licence holders; and Betting premises licence holders within South Holland
- Gambling Commission
- Chattertons Solicitors
- Spalding Pubwatch
- Additionally the Policy was advertised for consultation on the SHDC website for any other interested party to respond to.

2.0 **OPTIONS**

2.1 The options for the Committee are limited as the process is legislative and dictated by the Gambling Act 2005. The Council has no discretion as to making the Statement of Principles, although there is some discretion as to the content of the statement. The options therefore are:-

2.2.1 That the Committee agree for the policy to go to full Council for approval and adoption (preferred option).

2.2.2 That the Committee consider the revised Policy and provide feedback / recommend further changes before it is considered by Full Council;

2.2.3 Do nothing

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 To ensure that South Holland District Council, acting as the Licensing Authority, can meet its statutory duties under the Gambling Act 2005.

4.0 **EXPECTED BENEFITS**

- 4.1 The expected benefit is having a transparent and up to date policy on gambling and enabling compliance with our statutory obligations under the Gambling Act 2005.

5.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 **Carbon Footprint / Environmental Issues**

- 5.1.1 The consultation document was emailed to consultees where possible to reduce printing and paper. The consultation document was also available on the Council's website, as will the final Policy once approved.

5.2 **Constitutional & Legal**

- 5.2.1 It is a statutory requirement that the Licensing Authority produces a Policy (Statement of Principles) that it proposes to apply in exercising its functions under the Gambling Act 2005 and that it reviews it every three years. If the Authority does not produce a revised policy within the statutory timescale, there is a risk that the Authority will not be in a position to process applications, leaving the Authority open to challenge.

5.3 **Corporate Priorities**

- 5.3.1 The policy supports the Corporate Priorities and in particular supports the Priority of "Your Place" by helping to reduce and prevent crime and disorder; and enhance the wellbeing of communities. The policy also supports the priority "Your Health and Wellbeing" by ensuring Public Protection can protect and support communities through regulatory activity.

5.4 **Crime and Disorder**

- 5.4.1 Lincolnshire Police were consulted on this policy. There are criminal offences under the Gambling Act 2005 and so the policy will support businesses to comply with the law.

5.5 **Equality and Diversity / Human Rights**

- 5.5.1 The policy addresses how human rights are considered in respect of enforcement action and also addresses information sharing and data protection.

5.6 **Health & Wellbeing**

- 5.6.1 The policy addresses how children and vulnerable adults should be protected from gambling related harm including addiction and financial exploitation.

5.7 Safeguarding

5.7.1 The policy covers safeguarding of children and vulnerable adults in more detail and includes additional appendices to explain in more detail the risks and how these can be managed.

5.8 Stakeholders / Constitution / Timescales

5.8.1 Full consultation has been carried out as detailed in this report and within the policy. Consultation included responsible authorities and other parties listed in Appendix 2 of the policy.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 The policy applies to all wards

Background papers:- Gambling Commission Guidance for Licensing Authorities
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A Summary of the proposed changes to the Policy (Statement of Principles).

Appendix B Current Gambling Policy (Statement of Principles) 2019.