

## GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES OF GAMBLING POLICY

Council - 20 November 2018

Report of	Chief Officer Environmental and Operational Services
Status	For decision
Also considered by	Licensing Committee - 1 November 2018
Key Decision	No

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**Executive Summary:** This report seeks a decision from the Committee on options for reviewing the Council's Statement of Gambling Policy, which expires on 30 January 2019. Following a consultation held between 20 August 2018 and 14 October 2018, the Committee is asked to assess the feedback received and decide upon any proposed amendments as set out in Appendix F, before recommendation to Council.

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**This report supports the Key Aim of a sustainable economy.**

**Portfolio Holder** Cllr. Anna Firth

**Contact Officers** Richard Wilson Ext. 7067

Sharon Bamborough Ext. 7325 / 07970 731616

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### **Recommendation to Licensing Committee:**

That, subject to the Committee's views on those further comments and recommendations in Appendix F to the report, it be recommended to Council that the revised Statement of Gambling Policy be adopted as from 31 January 2019

### **Recommendation to Council:**

That, subject to the comments of the Licensing Committee, the revised Statement of Gambling Policy be adopted as from 31 January 2019

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**Reason for recommendation:** The review of Gambling Policy must take place this year in order to be in place in time for 31 January 2019 as legally required.

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### **Introduction and Background**

- 1 The Gambling Act 2005 requires the Council, in its role as a licensing authority, to determine its Statement of Gambling Policy in respect of

the exercise of its licensing functions every three years.

- 2 The Council's current Policy is in force until 30 January 2019, therefore a new Policy must be in place by 31 January 2019. Once in place this Policy must be kept under review.
- 3 In accordance with this requirement the Committee is invited to consider options for review of the Policy, to ensure a new or refreshed Statement of Gambling Policy is in place for the three-year period 31 January 2019 to 30 January 2022.
- 4 The draft Policy is attached at Appendix A.
- 5 The draft Policy was put out for consultation from 20 August 2018 to 14 October 2018. Feedback was received from:
  - The Gambling Commission (Appendix B)
  - Associated of British Bookmakers (ABB) represented by Gosschalks Solicitors (Appendix C)
  - Gamcare (Appendix D)
  - HMRC (Appendix E)
- 6 The parts of policy which attracted feedback have been summarised in a table at Appendix F together with comment/recommendation from Licensing. The last column in the table is for Members' use to easily record the decisions they make on whether to amend the policy further by accepting or rejecting the individual recommendations in respect of the feedback

#### **Options for review or change**

- 7 It is suggested that two options are available:
  - (i) To amend the draft further in line with recommendations and finalise the policy. It will then be referred to full council on 20 November 2018 for adoption to come into effect from 31 January 2019or
  - (ii) Having considered the feedback, the Committee may, however, wish to make further changes to policy (which may require further public consultation if substantial) and direct the Licensing Service to re-draft the policy in line with any such amendments.
- 8 It should be noted that if option two is followed it risks the policy not being in place by the statutory deadline if further public consultation is required.

#### **Consultation on proposed Statement of Gambling Policy**

- 9 Consultation was carried out by consulting responsible authorities, licence holders, organisations which carry out support work with problem gamblers, neighbouring authorities, and public consultation via our website and a press release. The consultation period opened 20 August 2018 and closed 14 October 2018. It was initially proposed to start consultation earlier but several queries needed to be resolved before consultation could start.

### Timetable

- 8 The timetable in respect of the preparation and consultation for the proposed Policy is as follows:

20 August to 14 October 2018	Consultation period on a new draft Policy
1 November 2018	Licensing Committee is invited to consider feedback from the consultation exercise and refer the proposed Policy to next meeting of the Council
20 November 2018	The Council is invited to adopt the new Policy
7 January 2019	Licensing Committee to receive any feedback from Council / confirmation of adoption of new Policy

### Key Implications

#### Financial

There are no specific financial implications resulting from the matters considered in this report, as the minimal cost of consultation and publication in respect of the proposed Council's Statement of Gambling Policy will be met from the running costs of the Licensing Team and Licensing Partnership.

#### Legal Implications and Risk Assessment Statement.

The Council is obliged by the Gambling Act 2005 to review its Gambling Policy every three years. The commencement date of 30 January for the initial three year period and subsequent three year periods was set by the Gambling Act 2005. The Council has no discretion to alter the period for which its Gambling Policy is in force, although it can carry out further reviews within the set three year period.

Before the Council determines its new Policy it must consult with the statutory consultees.

Before any statement comes into effect the Council must publish the statement for a period of four weeks and a notice to that effect.

## Equality Assessment

Section 149(1) of the Equality Act 2010 requires that, in exercising its functions public sector bodies to have 'due regard' to the need to -

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Foster good relations between people who share a relevant 'protected characteristic' and those who do not;
- Advance equality of opportunity between people who share a relevant 'protected characteristic' and those who do not.

Assessing the potential impact on equality of proposed decision, changes to policies, procedures and practices is one of the key ways in which the Council can demonstrate that they have had 'due regard'. Assessing impact on equality should be tailored to, and be proportionate to, the decision(s) being made.

Officers have considered the impact of the proposals contained in this report and consider that there would be no, or very limited adverse or disproportionate impact on those who share a protected characteristic. This will be kept under review as part of the Council's ongoing duty.

## **Appendices**

Appendix A - draft Statement of Principles of Gambling policy **THE ATTACHED APPENDIX IS AMENDED AS BY LICENSING COMMITTEE AND OFFICERS SINCE THE MEETING ON 1/11/18**

Appendix B - feedback from Gambling Commission

Appendix C - Feedback from ABB

Appendix D - Feedback from Gamcare

Appendix E - Feedback from HMRC

Appendix F - Table summarising feedback with recommendations

## **Background Papers**

[Gambling Act 2005](#)

[Guidance to Local Authorities issued  
by Gambling Commission -  
September 2015](#)

[Local Government Association  
'councillor handbook on gambling  
regulation' issued 2018](#)

[Sevenoaks' Council's Statement of  
Gambling Policy 31 January 2016 to  
30 January 2019](#)

**Richard Wilson**

**Chief Officer Environmental and Operational Services**