

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES OF GAMBLING POLICY

Licensing Committee - 8 September 2021

Report of: Deputy Chief Executive and Chief Officer Development Services

Status: For Decision

Key Decision: No

Executive Summary: This report seeks a direction from the Committee on options for reviewing the Council's Statement of Gambling Policy which expires on 30 January 2022.

This report supports the Key Aim of: Sustainable economy.

Portfolio Holder: Cllr. Margot McArthur

Contact Officer: Jessica Foley, Ext. 7480

Recommendation to Licensing Committee:

Members are requested to advise on any desired changes to the existing Policy.

Reason for recommendation: The review of Gambling Policy must take place this year in order to be in place in time for 31 January 2022 as legally required.

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 2022, therefore a new Policy must be in place by 31 January 2022. 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 2022 to 30 January 2025.
- 4 The current Policy is attached as Appendix A.
- 5 Since the adoption of the last policy (which came into effect on 30 January 2018) there has been no material change to the number or location of betting shops, there are still 6 in the district (two in Sevenoaks town, one in Edenbridge and three in Swanley).

Options for review or change

- 6 It is suggested that two options are available:
- 7 Discussions with the Licensing Partnership and Head of Licensing suggest that the current Policy is fit for purpose and requires no significant changes or amendments, other than a simple refresh.
- The Committee may therefore agree that a minor refresh is all that is required in this instance.
- or
- 8 The Committee may however, wish to see substantive amendments and updates, and dependent upon the Committee's views, a full review may be considered to be more appropriate.
- Member's views on the above two proposals are sought.
- 9 For either option, a formal public consultation will be required on a proposed new Policy, and the agreed new Policy will have to be adopted by a meeting of the Full Council.

Consultation on proposed Statement of Gambling Policy

- 10 The Council is obliged by the Gambling Act to consult with the following groups before adopting a gambling policy:-
- The Chief Officer of Police
 - One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the District; and,
 - One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act.
- 11 The Council is required to develop its own consultation processes and consultation methods.
- 12 Before the current Policy was adopted, a range of organisations were consulted as set out below and no change is proposed this time:
- Members of the Council
 - Neighbouring Authorities
 - Bodies designated under section 157 of the 2005 Act as 'Responsible Authorities'
 - Town Centre Forums, Partnerships and Managers
 - Person/bodies representative of local residents
 - Person/bodies representative of gambling businesses
 - Representatives of persons or businesses who will hold premises licences
 - Organisations working with people who are problem gamblers
 - Representatives of health care organisations

- Representatives of voluntary and community organisations working with children and young people

Timetable

- 13 The timetable in respect of the preparation and consultation for any proposed Policy is as follows and regardless of the Committee's chosen option, this will not change:
- 7 September to 20 October 2021 - Consultation period on a new draft Policy (This timescale allows for a 6 week consultation period).
 - 1 November 2021 - Licensing Committee is invited to consider feedback from the consultation exercise and refer the proposed Policy to next meeting of the Council.
 - 16 November 2021 - The Council is invited to adopt the 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.

Equality Assessment

There is no perceived impact on end users.

Conclusions

- 14 The Committee may agree that a minor refresh is all that is required in this instance.
- or
- 15 The Committee may wish to see substantive amendments and updates, and dependent upon the Committee's views, a full review may be considered to be more appropriate.

Appendices

Appendix A - Current Statement of Principles of Gambling Policy

Background Papers

Gambling Act 2005

Gambling Commission's Guidance to Licensing Authorities (Last updated 13 May 2021)

Richard Morris

Deputy Chief Executive and Chief Officer Development Services