

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

Council - 16 November 2021

**Report of:** Deputy Chief Executive and Chief Officer Development Services

**Status:** For Decision

**Also Considered by:** Licensing Committee - 2 November 2021

**Key Decision:** No

**Executive Summary:** This report seeks a direction from the Committee on reviewing the Council's Statement of Gambling Policy which expires on 30 January 2022. Following a consultation held between 9 September 2021 and 20 October 2021, the Committee is asked to assess the feedback received and decide upon any proposed amendments as set out in Appendix B, before recommendation to Council.

**This report supports the Key Aim of:** Sustainable economy.

**Portfolio Holder:** Cllr. Margot McArthur

**Contact Officer:** Jessica Foley, Ext. 7480

**Recommendation to:** Licensing Committee

That, subject to the Committee's views on those further comments and recommendations in the appendices to the report, it be recommended to Council that the revised Statement of Gambling Policy as set out in Appendix F to be adopted as from 31 January 2022

**Recommendation to Council:** That the revised Statement of Gambling Policy be adopted as from 31 January 2022

**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 2019) 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).
- 6 The draft Policy was put out for consultation from 9 September 2021 to 20 October 2021. Feedback was received from: (Appendix B)
  - The Gambling Commission
  - Sevenoaks District Council, Councillors.

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

- 7 It is suggested that two options are available:
  - (i) To amend the policy in line with recommendations and finalise the policy. It will then be referred to full council on 16 November 2021 for adoption to come into effect from 31 January 2022

Or

  - (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 .
- 7 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**

- 8 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.

- 9 The Council is required to develop its own consultation processes and consultation methods.

### **Timetable**

- 10 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:
- 9 September to 20 October 2021 - Consultation period on a new draft Policy (This timescale allows for a 6 week consultation period).
  - 2 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**

The Committee may agree to amend the policy in line with responses from the consultation and finalise the policy. It will then be referred to full council on 2 November 2021 for adoption to come into effect from 31 January 2022

or

Having considered the feedback and responses, the Committee may, however, wish to make further changes to policy and direct the Licensing Service to re-

draft the policy in line with any such amendments.

### **Appendices**

Appendix A - Current Statement of Principles of Gambling Policy

Appendix B - Consultation responses

Appendix C - Cllr Edwards-Winser, tracked changes document

Appendix D - Gambling Commission, tracked changes document

Appendix E - Gambling Commission, Statement of Principles outline

Appendix F - DRAFT Gambling Policy Jan 2022 to Jan 2025

### **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**