

South Lakeland District Council
Overview and Scrutiny Committee

Friday, 4 March 2022

**The Gambling Act 2005 - Statement of Gambling
Licensing Policy**

Portfolio: Economy, Culture and Leisure Portfolio Holder
Report from: Director of Customer and Commercial Services
Report Author: Patrick Cantley (Specialist - Licensing), Nicola Clark (Specialist - Environmental Protection), Neil Gardiner (Specialist - Licensing), Sean Hall (Principal Specialist - Health & Environment)
Wards: (All Wards);
Forward Plan: This matter has not yet been submitted to the Forward Plan.

Links to Council Plan Priorities: The revision to the existing policy is prescribed by The Gambling Act 2005. It also links to the following priorities -

Working across boundaries – This is ensuring national standards are adopted by all local authorities to provide safeguards to our communities.

A fairer South Lakeland – This policy seeks to ensure a consistent standard of application of gambling licensing controls to meet the objectives. The review of this policy sets out the expectations on each of the licensing objectives which may have an impact on the health of a resident.

1.0 Expected Outcome and Measures of Success

1.1 An initial revision of the Council's Statement of Gambling Licensing Policy has been completed. The revised policy is currently subject of a formal consultation process in line with Regulation 7 of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2005. At the conclusion of the four week consultation process all feedback will be reviewed and the results will subsequently be reported to the next available Licensing Regulatory Committee. If Members are minded to approve the revised draft policy, the matter should then progress to Full Council for approval in advance of the policy becoming the new licensing framework for stakeholders within South Lakeland District.

1.2 The initial revision to this policy has sought to support and strengthen the three Gambling Licensing Objectives namely:

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

1.3 It was approved that the revised policy could proceed to public consultation at the Licensing Regulatory Committee dated 7th February 2022.

2.0 Recommendation

2.1 It is recommended that Overview and Scrutiny Committee :-

(1) Note the approval from Licensing Regulatory Committee that the revised Statement of Gambling Licensing Policy proceed to public consultation;

(2) Note that public consultation is ongoing at this time. The consultation period concludes on 9th March 2022;

(3) Recommend to Licensing Regulatory Committee and Full Council that the revised Statement of Gambling Licensing Policy (Appendix 1) be adopted following the public consultation, and consideration of any comments received; and

(4) Provide any comments on the revised Statement of Gambling Licensing Policy.

3.0 Background and Proposals

3.1 This report is presented to explain the proposed arrangements for carrying out a review of the Council's Statement of Gambling Licensing Policy in accordance with the updated Gambling Commission Local Authority Guidance. The revised policy is intended to provide the licensing framework for stakeholders within the administrative area of South Lakeland District Council.

3.2 Section 349 of the Gambling Act 2005 (the 'Act') requires licensing authorities before each successive period of three years to;

(a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period; and

(b) publish the statement of policy.

3.3 The current statement sets out the basis on which decisions under the Gambling Act 2005 will be made. It strives to achieve a local balance between the commercial interest of the licensed trade alongside the communities they serve and affect. The current statement is to cover the period 2019 to 2022.

3.4 Gambling Commission Guidance to Licensing Authorities makes it clear that it is down to the individual licensing authority to develop their own consultation process when revising gambling policy. As pointed out, this matter is currently undergoing public consultation and it should be noted that the guidance makes it clear that results of the process should be published within twelve weeks of the period concluding unless there is reason not to. In instances where this happens it is expected that a brief statement would be published to explain why this was the case.

3.5 Regulation 7 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 covers the procedure to be followed in preparing or publishing a statement or revision –

7.—(1) Before a statement or revision comes into effect, the authority that prepared it must—

(a) publish the statement or revision in accordance with paragraph (2); and

(b) advertise the publication of the statement or revision by publishing a notice in accordance with paragraphs (3) and (4).

(2) The statement or revision must be published by being made available for a period of at least 4 weeks before the date on which it will come into effect—
(a) on the authority's internet website; and
(b) for inspection by the public at reasonable times in one or both of the following places—
(i) one or more public libraries situated in the area covered by the statement or revision;
(ii) other premises situated in that area.
(3) The notice referred to in paragraph (1)(b) shall specify—
(a) the date on which the statement or revision will be published;
(b) the date on which the statement or revision will come into effect;
(c) the internet address where the statement or revision will be published in accordance with paragraph (2)(a); and
(d) the address of the library or other premises at which the statement or revision may be inspected in accordance with paragraph (2)(b).
(4) That notice shall be published no later than the first day on which the statement or revision is published in accordance with paragraph (2)—
(a) on the authority's internet website, and
(b) in or on one or more of the following places—
(i) a local newspaper circulating in the area covered by the statement;
(ii) a local newsletter, circular, or similar document circulating in the area covered by the statement;
(iii) a public notice board in or near the principal office of the authority;
(iv) a public notice board on the premises of public libraries in the area covered by the statement.

- 3.6 The Statement of Gambling Licensing Policy is part of the Corporate Budget and Policy Framework and will therefore require approval by Full Council. Therefore, following the end of the public consultation period, officers of the Licensing Authority will collate comments received. Details of the comments and any suggested changes to the draft Statement of Principles will then be made available to members for discussion at a future meeting of the Licensing Regulatory Committee and, if approved, the final Statement of will be put to Full Council for adoption.
- 3.7 The revised policy (Appendix 1) has been updated to reflect changes in the national guidance and feedback from the Gambling Commission. It is intended that the revised policy will underpin the licensing framework for matters of this type during the period 2022-2025.
- 3.8 Local Government Reorganisation within Cumbria is proposing a structural change to the existing arrangements of Local Government organisation. The outcome, determined by the Secretary of State, is that two unitary authorities are created, Cumberland and Westmorland and Furness Councils. The new Westmorland and Furness authority will be formed by the existing authorities of South Lakeland District Council, Barrow Borough Council, Eden District Council and Cumbria County Council. This change is likely to result in a combined approach to the gambling licensing strategy across the revised area and therefore require fresh revision to policy well within the three year period.

4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Gambling Act 2005 Policy Report (revised format)
2	Health and Sustainability Impact Assessment
3	Equality and Diversity Assessment

5.0 Consultation

5.1 This Authority is required to consult with a number of statutory consultees namely:-

- (a) the chief officer of police for the area;
- (b) one or more persons who appear to the authority to represent the interests of persons carrying out gambling businesses in the 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 the Act.

5.2 However, an Authority may consult more widely if it so wishes and would look towards the below organisations.

- The Council's Children Services and Adult Social Care Services
- Trade associations
- Businesses or their representatives involved in gambling
- Ward Councillors and local Members of Parliament
- Faith groups
- Residents Associations
- Voluntary and Community Organisations working with children and vulnerable adults
- Advocacy Groups (e.g.Citizens Advice and Trade Unions)
- Responsible Authorities
- Organisations working with people who are problem gamblers
- The Gambling Commission
- Local planning authority
- Environmental Services in its capacity as the body responsible for the prevention of pollution to the environment and protection of public health
- HM Revenue and Custom

5.3 The specifics relating to the consultation period have been outlined at 3.4 and 3.5 of this report. In line with relevant legislation this matter is currently undergoing public consultation. The applicable period concludes on 9th March 2022.

6.0 Alternative Options

6.1 There are no alternative options. The Council has a statutory duty to review its Statement of Gambling Licensing Policy and publish the revised policy before the expiration of the current one.

7.0 Implications

Financial, Resources and Procurement

7.1 There are no direct financial impacts associated with this report. Established revenue budgets will accommodate the costs of undertaking the consultation process.

Human Resources

7.2 There are no staffing implications; however any training and development needs will be identified through the appraisal and one to one process. Any training and development needs will be actioned.

Legal

7.3 Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. The statement of Gambling Licensing Policy can be reviewed and revised by the Licensing Authority at any time.

7.4 When determining and publishing a statement of its Policy and licensing function, local authorities must have regard to 'Gambling Commission: Guidance to licensing authorities [April 2021 Update]'. Where revisions to the Guidance are made by the Secretary of State, it will be for South Lakeland District Council to determine whether revisions to its own Gambling Licensing Statement are appropriate, following the consultation as outlined in section 5 of this report.

7.5 As detailed in 3.8 above, consideration will be required as part of the Local Government Reorganisation within Cumbria as to when a further review of the Statement of Gambling Licensing Policy will be required to ensure the new authority, commencing on the 1st April 2023, is compliant with the requirements of Section 349 of the Gambling Act 2005 and associated regulations.

Health and Sustainability Impact Assessment

7.4 Have you completed a Health and Sustainability Impact Assessment? **Yes** (attached at Appendix 2)

7.5 Summary of Health and Sustainability Impacts

		Positive	Neutral	Negative	Unknown
Environment and Health	Greenhouse gases emissions		X		
	Air Quality		X		
	Biodiversity		X		
	Impacts of Climate Change		X		
	Reduced or zero requirement for energy, building space, materials or travel		X		
	Active Travel		X		
Economy and Culture	Inclusive and sustainable development		X		
	Jobs and levels of pay		X		
	Healthier high streets		X		
	Culture, creativity and heritage		X		

Housing and Communities	Standard of housing		X		
	Access to housing		X		
	Crime	X			
	Social connectedness		X		

Equality and Diversity

7.6 Have you completed an Equality Impact Analysis? **Yes** (attached at Appendix 3)

7.7 Summary of Equality and Diversity impacts

Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X"						
Age	P	X	0		N	
Disability	P		0	X	N	
Gender reassignment (transgender)	P		0	X	N	
Marriage & civil partnership	P		0	X	N	
Pregnancy & maternity	P		0	X	N	
Race/ethnicity	P		0	X	N	
Religion or belief	P		0	X	N	
Sex/gender	P		0	X	N	
Sexual orientation	P		0	X	N	
Armed forces families	P		0	X	N	
Rurality	P		0	X	N	
Socio-economic disadvantage	P	X	0		N	

Risk Management	Consequence	Controls required
Failure to review and publish a revised Statement of Gambling Licensing Policy would constitute a contravention of the Gambling Act 2005.	In such circumstances, the Council would be unable to properly fulfil its statutory licensing responsibilities.	Procedures in place to ensure that the Statement of Gambling Licensing Policy is reviewed and subsequently published in accordance with the statutory timetable.

Contact Officers

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Background Documents Available

Name of Background document	Where it is available
Local Authority Guidance.	Gambling Commission guidance
Current Policy	Existing Gambling Policy
The Gambling Act 2005	https://www.legislation.gov.uk/ukpga/2005/19/contents
The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006	https://www.legislation.gov.uk/uksi/2006/636/contents/made

Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	18/02/22	21/02/22
Monitoring Officer	18/02/22	22/02/22
CMT	18/02/22	21/02/22

Circulated to	Date sent
Lead Specialist	N/A
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	04/03/22
Executive (Cabinet)	N/A
Council	N/A