

South Lakeland District Council
Council

Wednesday 13th July 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: Sean Hall – Principal Specialist (Health & Environment)
Wards: (All Wards);
Forward Plan: Budget and Policy Framework Decision included in the Forward Plan as published on 15th March 2022

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.

Delivering 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 A revision of the Council's Statement of Gambling Licensing Policy has been completed. The revised policy has undertaken a formal public consultation process in line with Regulation 7 of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2005. The Overview and Scrutiny Committee have also been consulted on the revised Policy at their meeting on 4th March 2022, and The Licensing Regulatory Committee have recommended that this policy be adopted by Council at their meeting on 4th July 2022. If Members are minded to approve the revised draft policy, the matter should then become the new gambling licensing framework for stakeholders within South Lakeland District.

1.2 The 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.

2.0 Recommendation

2.1 It is recommended that Council;

- (1) Note the contents of this report and;**
- (2) Note the recommendation from The Overview and Scrutiny Committee dated 4th March 2022, that the revised Statement of Gambling Licensing Policy be adopted following the public consultation, and consideration of any comments received;**
- (3) Note the recommendation from The Licensing Regulatory Committee that the revised Statement of Gambling Licensing Policy be adopted following their meeting on 4th July 2022;**
- (4) Adopt the Statement of Gambling Licensing Policy attached at appendix 1 of this report.**

3.0 Background and Proposals

- 3.1 This report is presented to explain the steps taken for carrying out a review of the Council's Statement of Gambling Licensing Policy, and proposed changes made to the 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. Additionally, it also makes it clear that the results of any consultation process should typically be published within twelve weeks of the consultation period concluding unless there is reason not to. In instances where this happens it is expected that the relevant authority will publish a brief statement to explain why this is the case.
- 3.5 Additionally, 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. No further comments have been received during the public consultation period. If approved by the Council, the Statement of Gambling Licensing Policy (Appendix 1) will be considered the final version and adopted.
- 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 will result in the formation of a new Westmorland and Furness authority which 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.
- 3.9 The draft statement of policy attached to the report (Appendix 1) has been updated to reflect changes in the national guidance and feedback from the Gambling Commission.

Policy changes

- 3.10 The revised Statement of Gambling Licensing Policy has been categorised into alphabetical chapters A to R. As an introduction to the chapters a new foreword has been drafted with a revised and updated South Lakeland demographics population table, (chapter B1.1). Although the proposed statement does not make any reduction in the principles currently applied when determining applications under the Act, it has been strengthened in a number of areas as laid out in the following paragraphs.
- 3.11 A risk assessment has been drafted specific to 'Gambling risk' and the risk posed around gambling premises, both upon application and post application, (chapter C1.1.)

- 3.12 The three licensing objectives have been revised and re-worded to give them context around the topics of risk, vulnerability and safeguarding. Each Licensing Objective is broken down into 'criteria', 'considerations' and 'reason' to provide additional clarity. In addition to this, is a new expectation for Gambling Operators themselves, (chapter D1.1 – D3.1).
- 3.13 Chapter Part E is revised and reworded for Premises Licenses and plans to amplify the meaning of premises, premises plans, vessels, vehicles, premises access detail, layout and access. The statement of Principles now clearly lays out the expectations of the authority when considering applications. Responsible Authorities and Interested Parties are discussed in depth and their role in any regulatory matters. Powers of entry and Licence fees have also been added.
- 3.14 Chapters F to K cover the below Gambling premises. These chapters have been revised and re-worded to reflect the Gambling Commission Local Authority Guidance document April 2021. The previous policy listed all of the Mandatory Conditions for each premises, these have been removed to make the statement more concise and less repetitive. The subject topics have been expanded to give them a modern context, when considering most gambling platforms are either online or web based. Each topic now explores the risk to the licensing objectives.
- Adult Gaming Centres,
 - (Licensed) Family Entertainment centres
 - Casino Premises
 - Bingo Premises
 - Betting Premises
 - Tracks
- 3.15 Chapter M introduces Small Society Lottery Licenses. This is probably the most common 'gambling' application received by any Licensing Authority and deserves an explanation of the underestimated process. The guidance for these applications is taken from Gambling Commission Local Authority Guidance document April 2021
- 3.16 Chapter N introduces Permits/Temporary & Occasional Use Notices into a higher position in the statement compared to the old policy to match their 'minor' nature and now sit along Travelling fairs and Small Society Lottery Licences, instead of following on from 'Rights of appeal and Judicial Review.' When drafting this statement it was an intention to keep the Gambling Premises in a consecutive order. Paragraphs N1.1 and N1.2 have divided the initial paragraph of the previous policy to separate location and machine category. Temporary User Notices, point N1.26 has been re-written to reflect the legislation around restrictions, procedure, objections, Counter notices and modifications.
- 3.17 Chapter P, Rights of Appeal and Judicial Review introduces a clear and concise table with regard to this process. Type of decision, act and section and 'who may appeal.'
- 3.18 Chapter R introduces a new topic of Covid-19 safety inside gambling premises regarding operator responsibility and our expectations as a Licensing Authority.

4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Statement of Gambling Licensing Policy
2	Health and Sustainability Impact Assessment
3	Equality and Diversity Assessment

5.0 Consultation

5.1 Before determining its policy the Authority is required to, and has, consulted 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

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. Members of the committee may reject the proposed policy on the grounds that it requires further amendment.

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 5.1.
- 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

- 7.6 A sustainable impact assessment has been carried out because this proposal is considered to have an impact on Health in the district. The report can be found as Appendix 2
- 7.7 The Policy supports individuals and businesses by providing consistent and clear guidance on how the Council enforces the Gambling Act 2005.
- 7.8 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

7.9 Please find attached a full report as appendix 3

7.10 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/content/s
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	05/07/22	05/07/22
Monitoring Officer	05/07/22	05/07/22
Director	05/07/22	05/07/22

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	N/A
Executive (Cabinet)	N/A
Council	N/A