



<b>Report to:</b>	Council 23 September 2021
<b>Lead Cabinet Member:</b>	Brian Milnes
<b>Lead Officer:</b>	Head of Climate, Environment and Waste

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# Gambling Act 2005 – Review of Statement of Licensing Policy

## Executive Summary

1. That Council agree to the adoption of the revised Statement of Licensing Policy under the Gambling Act 2005.

## Key Decision

2. No

## Recommendations

3. It is recommended that Council agree to adopt the revised Statement of Licensing Policy under the Gambling Act 2005 for a period of up to three years from 31 January 2022.
4. The draft Policy is attached as Appendix A.

## Reasons for Recommendations

5. Section 349 of the Gambling Act 2005 places a statutory duty to publish a Statement of Licensing Policy every three years, the current Policy is effective until 31 January 2022, so must now be republished.

## Details

6. The revised draft Statement of Licensing Policy contains only two minor revisions, namely;
  - i) The removal of a date at section 7;
  - ii) Removal of obsolete Gambling Commission guidance relating to Planning within Part B – General Principles.

7. The Policy will remain in force for a period of up to three years but may be reviewed at any point prior if necessary. The Policy will form the basis of any decision taken in respect of applications or enforcement under the Gambling Act 2005 by Officers or any Committee Hearing, local or national policies or considerations.
8. On 7 September 2021, the Licensing Committee agreed to recommend that Council adopt the revised Policy statement, subject to the inclusion of a definition being given to what is meant by “children and young persons”. This has been included in the new draft Policy at Part B in the section “Protecting children and other vulnerable persons from being harmed or exploited by gambling”.

## **Options**

9. Full Council is required to adopt the Policy, as without a current Policy, it would not be possible for the Licensing Authority to exercise powers under the Gambling Act 2005.

## **Implications**

### **Financial**

10. None for the purposes of this report.

### **Legal**

11. Failure to adopt and publish a new Policy Statement before 31 January 2022, would mean the Authority would fail to meet its statutory duties under the Act, and may be at risk of judicial review.

### **Staffing**

12. None for the purposes of this report.

### **Risks/Opportunities**

13. The Principal Accountant has advised that the proposed changes in the policy would not lead to any additional risk implications other than the existing risks associated with gambling.

## **Background Papers**

Gambling Act 2005  
Gambling Commission Guidance to Local Authorities  
Report to the Licensing Committee on 7 September 2021

## **Appendices**

Appendix A: Draft Statement of Licensing Policy Gambling Act 2005

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