

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Licensing Committee

Date: 2 September 2024

Reporting officer: Emily Lane-Blackwell, Assistant Licensing Manager

Subject: Review of Statement of Gambling Policy under the Gambling Act 2005

Purpose and summary of report:

To present Members with a draft of the revised Statement of Gambling Policy under the Gambling Act 2005 and the proposed consultation methodology.

Recommendations:

1. Members to consider the draft policy for consultation and advise of any relevant amendments.
2. Members to note the consultation methodology as outlined and instruct officers to proceed with the same.

Key Implications:

Item	Implications
Legal	Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act. The Policy will last for a 3 year period, but can be reviewed at any time during that period.
Finance and Value for Money	The cost of consultation and publishing an updated policy will be met from within existing budgets. The Statement of Licensing Policy under the Gambling Act 2005 will not place any new financial resource implications on the Council.
Corporate Plan	There are direct links to Corporate Objective: One Borough. It is a commitment of the Council to put Gravesham residents first by driving improved levels of regulatory standards across commercial businesses and licence holders.
Climate Change	N/A

1. Background

- 1.1 Section 349 of the Gambling Act 2005 requires a Licensing Authority to prepare and publish a Statement of its Gambling Policy every three years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2005 Act. The Gambling

Policy is required to comply with extensive national guidance and any departures must be supported by evidence justifying a different policy approach.

- 1.2 The current Statement of Gambling Policy under the Gambling Act 2005 was approved by Full Council on 7 December 2021.
- 1.3 The existing policy was developed in close conjunction with all other licensing authorities and responsible authorities in Kent via the mechanism of the Kent and Medway Regulatory Licensing Steering Group.
- 1.4 The aim of the county wide approach was two-fold. Firstly, to promote consistency to the benefit of licensees, businesses, residents and to regulatory services having a Kent-wide remit. Secondly, to minimise risk of judicial review of individual policies.
- 1.5 The existing Gambling Policy will expire on 30 January 2025. It is a requirement of the Act, that a revised policy is published at least 4 weeks prior to it coming into force. The proposed draft policy shown as Appendix A will therefore be required to be adopted by Full Council on 3 December 2024, be published by 3 January 2025 and commence on 31 January 2025.

2. Proposed Revisions

- 2.1 The Gambling Commission publish a statutory 'Guidance to Licensing Authorities' document as prescribed by the Gambling Act 2005. The Licensing Authority must consider any amendments made to the Guidance when reviewing their Policy.
- 2.2 The Gambling Commission notified all authorities that they have ongoing consultations, which means it is unlikely a new guidance document will be published before the required implementation of our Gambling Policies.
- 2.3 The proposed changes are therefore only of an administrative nature including:
 - 2.3.1 Ensuring the document is fully accessible to all persons once published on the website, and;
 - 2.3.2 Replacing the appendix containing the Responsible Authority contact details with a link to them on the website.. This is to match the decision made for the Licensing Act 2003 Policy, where the details are kept on the website. This will make it quicker and easier for prospective applicants to find and access this information, and for officers to update the details should they change mid-term of a policy.

3. No Casino Resolution

- 3.1 Section 166 of the Gambling Act 2005 allows a licensing authority to resolve not to issue casino premises licences within its boundaries. This decision is a function of Full Council. At its meeting of 7 December 2021, Full Council decided to approve a 'no-casinos' resolution.
- 3.2 The adoption of a no-casinos resolution requires ratification every three years so that it can be included in the current policy.
- 3.3 Specific mention regarding whether or not to adopt a 'no-casinos' resolution has been made within the draft policy and the consultation advertisement will draw attention to this particular point.

- 3.4 It is recommended that Members renew the council's no-casinos resolution for a further three-year period.

4. Consultation

- 4.1 Before determining its policy for a three year period, the Licensing Authority must consult the persons listed in section 349(3) of the Act. These are:

4.1.1 The Chief Officer of Police

4.1.2 One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the borough

4.1.3 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

- 4.2 The Statutory Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Statement of Policy. It is however a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with.

- 4.3 In accordance with good practice, and previous Statement of Policy consultations, it is therefore proposed to consult with:

- All Ward Councillors
- Parish Councils
- All bodies designated under s.157 of the Act as Responsible Authorities
- Kent County Council Trading Standards
- Association of British Bookmakers
- National Casino Forum
- British Amusement Catering Trade Association
- Bingo Association
- The British Horseracing Authority Limited
- The Greyhound Board of Great Britain
- Dartford, Gravesham and Swanley Clinical Commissioning Group
- The Grand
- Citizens Advice Bureau
- British Beer and Pub Association
- British Institute of Innkeeping
- Gamcare
- Gambleaware
- Samaritans
- Gordon Moody Association
- B Smith
- Coral
- Ladbrokes
- Power Leisure Bookmakers Ltd (Paddy Power)
- Betfred
- Jenningsbet
- Luxury Leisure
- Kent Licensed Victuallers Association
- Federation of Licensed Victuallers Association
- Gravesham Street Pastors

- The General Public
- 4.4 A 4-week consultation will commence 3 September 2024. Methods of consultation will be via the council's website and notice board, and by direct email and mail shots.
 - 4.5 All incoming responses will be collated for consideration.
 - 4.6 The Assistant Licensing Manager and colleagues will conduct an evaluation of each response and give a recommendation whether the Policy should be amended and, if so, to what extent.
 - 4.7 The responses and recommendations will be brought back to the Licensing Committee when it reconvenes on 5 November 2024 for post-consultation consideration.
 - 4.8 Once this committee are satisfied with the Policy, they will need to recommend approval of the new Statement of Gambling Policy to Full Council, for final approval at their meeting on 3 December 2024.

5. Appendices

- 5.1 The following documents are to be published with the report:
 - 5.1.1 Appendix A – Draft Gambling Policy 25-28

6. Background Documents

- 6.1 There are no background documents.

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Secondary Implications	
Risk Assessment	<p>The publication of a Statement of Licensing Policy under the Gambling Act 2005 is a statutory requirement and failure to do so by 3 January 2022 as required may lead to negative publicity and criticism from central government.</p> <p>Close adherence to the mandatory guidance in terms of policy development and consultation will minimise the risk of judicial review at a later date. This risk is further minimised by working in close co-operation with the other licensing authorities within Kent.</p>
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. No</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? Click here to start typing</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk. Click here to start typing</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. Click here to start typing</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. Click here to start typing</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Crime and Disorder	<p>Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Council's obligations under Section 17 of the Crime and Disorder Act 1998 in that the objectives of the Gambling Act 2005 are:</p> <p>Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.</p> <p>Ensuring that gambling is conducted in a fair and open way.</p> <p>Protecting children and other vulnerable persons from being harmed or exploited by gambling.</p> <p>As a member of the Kent and Medway Regulatory Licensing Steering Group we support a partnership approach to licensing and enforcement. This also directly reflects Section 17 requirements.</p>
Digital and website implications	<p>Minor website updates will be required.</p>

Safeguarding children and vulnerable adults	In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The 3 rd licensing objective is Protecting children and other vulnerable persons from being harmed or exploited by gambling.
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