



WORTHING BOROUGH
COUNCIL

Worthing Licensing & Control Committee
25 November 2024
Agenda Item 6

Ward(s) Affected: All

Gambling Act 2005
Review of Statement of Gambling Licensing Policy

Report by the Director for Sustainability & Resources

Officer Contact: Simon Jones

The regulation of gambling & gaming falls under the Gambling Act 2005. Under the legislation the Gambling Commission is the lead agency responsible for the administration and enforcement of the act. Its responsibilities include remote online gambling, the licensing of operators & issuing of personal licences.

Worthing Borough Council as the local Licensing Authority is responsible for the licensing of premises used for gambling within the borough, some local enforcement and the issuing of gaming permits.

The provisions of the act requires that the Council review its Statement of Gambling Licensing Policy at least every three years. Worthing Borough Council's Statement of Gambling Policy requires reviewing and readoption by the full Council prior to the end of January 2025.

1. Recommendation

1.1 Members of Worthing Borough Council's Licensing & Control Committee are requested to:

- review the draft Statement of Gambling Licensing Policy in relation to the Gambling Act 2005
- then invite the Council to endorse its recommendations and adopt an updated policy to come into force on 31 January 2025.

2. Context

- 2.1 In accordance with the statutory requirements of the Gambling Act 2005 (the act) Worthing Borough Council's Statement of Gambling Licensing Policy has been reviewed following consultation with the authorities, stakeholders, interested parties and public. The consultation list is attached at Appendix A.
- 2.2 There are no fundamental changes to the policy suggested, only minor amendments updating the policy to reflect minor changes to names & dates and incorporate changes made to the Gambling Commission's Guidance to licensing authorities in April 2021 (and parts updated in April 2023).
- 2.3 The draft Gambling Policy is attached at Appendix B. All changes proposed to the existing policy are highlighted in yellow.

3. Background

- 3.1 The act established the Gambling Commission as the lead agency responsible for the administration and enforcement of the legislation. Its responsibilities include online remote gambling, the licensing of gambling operators & issuing of personal licences. The responsibility for the licensing of premises used for gambling, some local enforcement and the issuing of permits is delegated to local Licensing Authorities. Worthing Borough Council is the Licensing Authority for the borough.
- 3.2 The provisions of the act require the Council publishes a Statement of Gambling Licensing Policy and reviews it at least every three years.
- 3.3 Worthing Borough Council's current statement of Licensing Policy under the Gambling Act 2005 was endorsed by this committee and subsequently approved by the Council in February 2022. It was approved following an extensive consultation process. The policy was in accordance with both the act and the statutory guidance issued by the Gambling Commission that was current at the time.
- 3.4 The policy, along with the Gambling Commission's guidance, provides the framework for officer and member decision making on applications for gambling premises licences under the act and outlines to applicants and current operators the council's expectations and business' obligations.
- 3.5 As stated the current policy has been in place since February 2022 and the Act now requires its review. The Gambling Commission requests that policy reviews across the country are synchronised to come into force at the end of January every third year.

4. Engagement & Communication

4.1 Between 02 September and 14 October 2024 the draft policy attached was the subject of an extensive consultation exercise which included Members, Officers, the general public, resident groups, voluntary groups, trade & stakeholder groups and the Responsible Authorities. A list of those directly consulted is attached.

4.2 Two separate responses were received. These were from:

- Gamcare
- Beccy Cooper MP

4.3 Neither Sussex Police nor the Gambling Commission made representation.

4.4 The representation received from Gamcare welcomes the Council's position of going beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles but suggested that Local Authorities can play a greater role in reducing gambling harm from land-based gambling venues by developing a local picture of the level of gambling harms, in order to best target resources and tailor service provision.

4.5 The representation from Beccy Cooper MP points out that changes to Gambling legislation are being considered by HM government and Adur District Council's Gambling Policy may need to be reviewed before the scheduled next review due January 2028.

4.6 Both representations can be found in full at Appendix C

5. Issues for Consideration

Outcomes to be Achieved

5.1 The council to comply with its statutory duty to publish a reviewed Statement of Gambling Policy in accordance with the Gambling Act 2005 and the guidance issued by the Gambling Commission.

5.2 To ensure that the provision of gambling and gaming from premises in the district is undertaken in a safe, controlled, and consistent manner.

- 5.3 Under the act rights of representation are granted to Responsible Authorities (the Council as Licensing Authority, Gambling Commission, Police, Fire & Rescue Service, Planning Service, Environmental Health, HM Customs and Excise), and Interested Parties (person living close enough to be likely to be affected or having business interests that might be affected). Since the Gambling Act came into force in 2007 none of the applications received by this Licensing Authority, under the act, have given rise to any representations, and no licensing hearings have therefore been necessary.
- 5.4 Complaints regarding low level illegal gaming/gambling taking place at unlicensed premises are occasionally received by this authority and the Gambling Commission. However, no complaints regarding licensed gambling premises and no calls for a review of a premises licence have been received by this authority since the Act was introduced.
- 5.5 The very minimum of amendments have been made to the draft policy that went out to consultation.
- 5.6 Only two representations were received regarding the draft policy during consultation and none of the comments were contentious.
- 5.7 None of the changes made are considered to change the spirit or direction of the policy. The Gambling Act 2005 has not proven to have caused major concerns to this Licensing Authority. No evidence has emerged that the current statement of Licensing Policy is not appropriate and the changes, for the reasons detailed above, are therefore recommended.

6 Legal Implications

- 6.1 Section 349 of the Act requires the Council prepare and publish a statement of principles that will apply in exercising its functions under the Act. This statement of principles (the policy) should be applied for a period not exceeding three years. There is no bar to more frequent reviews of the policy and changes can be made to the policy if necessary for example if there are any significant changes to the legislation.
- 6.2 Section 154 of the Act means that only the full Council can approve this policy as the function cannot be delegated to the Licensing Committee. However, the Council may take into consideration any recommendations made by the Committee.

7. Financial Implications

- 7.1 The fees for Gaming Permits & Registrations are set by HM Government. Worthing Borough Council has currently in force 189 permits & registrations which includes Small Society Lottery Registrations for charitable organisations, Licensed Premises Gaming Machine permits, Club Gaming Permits & Club Machine Permits etc..
- 7.2 The fees for Premises Licences are set by the Licensing Authority on a cost recovery basis within parameters set by HM Government. Worthing Borough Council has currently in force 13 premises licences covering Betting shops, Adult Gaming Centres, Family Entertainment Centres and a Bingo Hall.
- 7.3 The Statement of Gambling Licensing Policy adopted by the Council has no impact on the fees charged for permits & licences or the revenue received.
- 7.4 Whilst remote online gambling is an expanding market the demand for high street gambling facilities, that the local authorities administer, has been in long term decline nationally and the industry has significantly reduced the number of betting shops, bingo halls and arcades it operates. In the long term this decline is unlikely to be reversed and Worthing Borough Council's income from the issuing of licences & permits under the Gambling Act 2005 is likely to decline.

8. Implications

- 8.1 There are no significant equal opportunities or environmental implications. Crime & Disorder considerations are included in the Policy.

9.0	Recommendation
9.1	The Committee is asked to consider and recommend to the full Council the adoption of the attached draft Statement of Gambling Licensing Policy.

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Ref: SJ/Lic.U/ADC Gambling Policy Review

Date: 29 October 2024.

Background Papers:

- Gambling Act 2005 -
<http://www.legislation.gov.uk/ukpga/2005/19/contents>
- Guidance issued to Licensing Authorities by the Gambling Commission (April 2021 updated April 2023) -
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>
- Worthing Borough Local Insight Report -
<https://www.adur-worthing.gov.uk/about-the-councils/facts-and-figures/our-communities/>
- Worthing Borough Council Gambling Act fees -
<https://www.adur-worthing.gov.uk/licensing-and-permits/gambling/fees/>

Appendices:

- Appendix A - Consultation List
- Appendix B - Draft Statement of Licensing Policy
- Appendix C – Representations received during consultation

Sustainability & Risk Assessment

- 1. Economic**
Matter considered in the report and no issues identified.
- 2. Social**
Matter considered and no issues identified.
 - 2.1 Social Value**
Matter considered and no issues identified.
 - 2.2 Equality Issues**
Matter considered in the report and no issues identified.
 - 2.3 Community Safety Issues (Section 17)**
Matter considered in the report and no issues identified.
 - 2.4 Human Rights Issues**
Matter considered in the report and no issues identified.
- 3. Environmental**
Matter considered and no issues identified.
- 4. Governance**
Matter considered and no issues identified