



**Gambling Act 2005
Review of Statement of Licensing Policy**

Report by the Interim Director for Communities

1.0 Summary

- 1.1 Members are invited to review the draft Statement of Gambling Licensing Policy in relation to the Gambling Act 2005, and then invite Council to endorse its recommendations and adopt an updated policy on 22 February 2022.
- 1.2 In accordance with the statutory requirements of the Gambling Act 2005 (the act) the 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.
- 1.3 There are no fundamental changes to the policy, only minor amendments updating the policy to reflect changes made to the Gambling Commission's Guidance to licensing authorities in April 2021 (and parts updated in May 2021). There are also some minor changes to incorporate name & date changes.
- 1.4 The draft Gambling Policy is attached at Appendix B. All changes proposed to the existing policy are highlighted in yellow. All changes suggested as a result of representation during consultation, and which were deemed non-controversial, are highlighted in orange.

2.0 Background

- 2.1 The Gambling Commission is the lead agency responsible for the administration and enforcement of the Gambling Act 2005. Its responsibilities include the licensing of operators & issuing of personal licences. Local authorities are responsible for the licensing of premises used for gambling within their area, some local enforcement and the issuing of permits.
- 2.2 The provisions of the act require the Council review its Statement of Gambling Licensing Policy at least every three years.
- 2.3 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 October 2019. 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.

- 2.3 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 applicant's and current operators the council's expectations and business' obligations.
- 2.4 As stated the current policy has only been in place since October 2019. However, the Gambling Commission has requested all Licensing Authorities synchronise their review periods with all policies running until 31 January 2022 and to accommodate this request the Policy is being reviewed again and this opportunity has been taken to update and modernise the policy.

3.0 Consultation

- 3.1 Between 1st October until 29th October 2021 the draft policy 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.

- 3.2 Only four separate responses were received. These were from:

Stakeholders:

- Jim Bartlett - WSCC Safety & Wellbeing
- Mel Shaw - Early Help & Neighbourhoods Lead, A&W Councils
- Richard Tuset - Chief Executive's Office, A&W Councils

Interested Parties:

- Friends of Shoreham Fort

- 3.3 Neither Sussex Police or the Gambling Commission made representation
- 3.4 WSCC Safety & Wellbeing team stated they had no issues or comments to make.
- 3.5 Mel Shaw - Early Help & Neighbourhoods Lead at A&W Councils provided contact details of a number of Gambling Addiction Groups and the information provided has been incorporated into the draft policy at section 30.11.
- 3.6 Richard Tuset of the Chief Executive's Office at A&W Councils made some comments and his email is attached at Appendix C
- 3.7 Sharon Penfold, Secretary of Friends of Shoreham Fort, made some non-contentious suggestions regarding the layout of the policy and her suggestions are incorporated.

4. Consideration

- 4.1 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 effected 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.

- 4.2 Complaints regarding low level illegal 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.
- 4.3 The very minimum of amendments have been made to the draft policy that went out to consultation.
- 4.4 Only four representations were received regarding the draft policy during consultation and none of the comments were contentious.
- 4.5 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.

5.0 Legal

- 5.1 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.
- 5.2. Section 154 of the Act means that only Full Council can approve this policy as the function cannot be delegated to the Licensing & Control Committee. However, the Council may take into consideration any recommendations made by the Committee.
- 5.3 In determining this matter the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses given due weight.
- 5.4 Members must consider each licensing matter on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Gambling Act 2005. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 5.5 All licensing matters, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.

5.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Gambling Act 2005 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.

6.0 Implications

6.1 There are no significant equal opportunities or environmental implications. Crime and disorder considerations are included in the Policy.

7.0 Recommendation

7.1 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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Background Papers:

- Gambling Act 2005
<http://www.legislation.gov.uk/ukpga/2005/19/contents>
- Guidance issued to Licensing Authorities (April 2021)
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>
- Adur & Worthing Community Profile
<https://www.adur-worthing.gov.uk/media/media.123248.en.pdf>

Appendices:

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

Schedule of Other Matters

1.0 Council Priority

1.1 Statutory requirement.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered and no issues identified

5.0 Community Safety Issues (Section 17)

5.1 Matter considered in the body of the report.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 Matter considered and no issues identified

8.0 Consultations

8.1 List of those consulted included at appendix A.

9.0 Risk Assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 Matter considered and no issues identified