

Meeting: Cabinet

Date: 24 June 2024

Classification: Part 1

Key Decision: Yes

Title of Report: **Review of the Council's Statement of Gambling Policy**

Executive Director: Alan Richards

Report Author: Adam Penn.

1. Executive Summary

- 1.1. Members are invited to consider a draft revised Gambling Policy Statement, (contained in Appendix 1), as the basis for formal consultation and to allow the Council to follow their statutory obligation set out in the Gambling Act 2005. (the Act)

2. Recommendations

- 2.1 It is recommended that Cabinet:** endorses the draft revised Policy document, enabling consultation to commence. Once consultation is complete, the final policy document will be approved by Licensing Committee before proceeding to Full Council.

3. Background

- 3.1 The Council's Statement of Policy under the Act was approved in December 2021 and came into force on 31st January 2022. The Council is legally required to review the policy on a prescribed 3 yearly cycle. It is thus imperative that the Council undertakes the review process and publishes its Statement of Policy before the beginning of 2025.
- 3.2 Before determining the Policy for each three-year period, the Licensing Authority must consult:
- a) The Chief Officer of Police for the Licensing Authority's area;
 - b) One or more persons who the Licensing Authority considers to represent the interests of persons carrying on gambling business in the authority's area, and
 - c) One or more persons who appears to the Licensing Authority to represent the interests of persons affected by the exercise of the authority's functions under the Act

- 3.3 In determining its policy the Licensing authority must have regard to the Gambling Commission publication 'Guidance to Licensing Authorities'. (GLA)
- 3.4 The Government are currently consulting on a review of the Gambling Act 2005. Any changes will need to go through the parliamentary process.
- 3.5 The Gambling Commission have advised that they anticipate that it is likely that any revisions to the Act will be on the statute in early summer and that a review of the GLA will then be necessary. It is anticipated by the Commission that the publication date of the revised GLA document following consultation will be sometime in Autumn 2024.
- 3.6 This leaves The Council in a situation whereby our Statement of Licensing Policy will require updating to reflect changes made to the Act and the GLA. This task will be impossible to undertake as there will be insufficient time from publication of the final GLA to carry out a meaningful consultation and present a final policy to Cabinet before the existing policy expires on 31st January 2025.
- 3.7 It is therefore proposed that Council re-adopts the current policy, following a consultation with the parties listed at 3.2 above, as it stands with some cosmetic amendments, for the next three-year period (January 2025 to January 2028). This will provide sufficient time for The Authority to carry out a further full review, in light of any changes to the Act and the Gambling Commissions changes to the GLA, and for a review to take place as soon as possible following the publication of these documents in order that the policy can be updated at the earliest convenience.

4. Reasons for Decisions

- 4.1. To enable the Council to comply with its statutory duty under Section 349 of The Gambling Act 2005.

5. Other Options

- 5.1. Should the Council fail to approve a final Statement of Policy, it will be in breach of its statutory duty under Section 349 of The Gambling Act 2005.
- 5.2. The deadline for publication of the Policy is 31st January 2025.
- 5.3. A fully revised policy could be consulted on, but without the benefit of knowing the outcome of the changes to the Act and GLA there is a risk that the final policy would be out of sync with both documents. In this scenario the further review proposed at 3.7 above would be required in any case and in light of this it is not considered that another option exists.

6. Financial Implications

- 6.1. The annual licence fees form part of the overall budget for the Council; however, fee levels do not form part of this policy. The Act requires that fees are set at a level which covers the cost of administering the system without making a profit.

7. Legal Implications

- 7.1. Section 349 of the Gambling 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

8. Policy Context

- 8.1 The Statement of Licensing Policy sets out the principles which Southend-on-Sea City Council, as the Licensing Authority under the Gambling Act 2005, intends to apply in discharging its functions to licence premises for gambling under the Act.

9. Carbon Impact

- 9.1. No carbon impact.

10. Equalities

- 10.1. In light of the changes being cosmetic only (eg 'Borough' changed to 'City' etc) it is not anticipated that there will be an impact. The previous equalities assessment will be reviewed and attached to the cabinet report for the final policy

11. Consultation

- 11.1. Section 349 of the Gambling Act requires that all Licensing Authorities consult on a draft policy prior to approving a final policy. If Cabinet choose to simply readopt the current policy the consultee list will be less extensive than normal and will comprise the statutory consultees in the main. These are outlined in section 3.2 above. The public will still be able to respond if they wish, via the Council consultation portal and The Gambling Commission and all responsible authorities under the Act are also consulted

12. Appendices

- 12.1. **Appendix 1**: Draft Statement of Gambling Licensing Policy.

13. Report Authorisation

| This report has been approved for publication by: | | |
|----------------------------------------------------------|------------------|--------------|
| | Name: | Date: |
| S151 Officer | Joe Chesterton | 01/05/24 |
| Monitoring Officer | Susan Zeiss | 01/05/24 |
| Executive Director(s) | Alan Richards | 01/05/24 |
| Relevant Cabinet Member(s) | Cllr Ian Gilbert | 26/05/24 |