

**Meeting:** Cabinet  
**Date:** 18 November 2024  
**Classification:** Part 1  
**Key Decision:** Yes  
**Title of Report:** Gambling Act 2005 – Approval of Statement of Gambling Policy

**Executive Director:** Alan Richards - Executive Director for Environment and Place

**Report Author:** Adam Penn – Regulatory Services Manager

**Executive Councillor:** Cllr Kevin Robinson – Portfolio Member for Regeneration, Major Projects and Regulatory Services

## **1. Executive Summary**

- 1.1. Members are invited to consider a proposed final revision of the Council's Gambling Policy Statement, (contained in Appendix 1). The policy outlines how the Council will discharge its functions under the Act, and details how the licensing authority intends to promote the licensing objectives specified in the Act, thereby protecting residents and visitors. It is a statutory requirement that the policy is reviewed every three years.

## **2. Recommendations**

- 2.1 **It is recommended that Cabinet:** endorses the Final Policy document, for approval at Council, enabling the Council to comply with the statutory requirement set out in section 349 of the Gambling Act 2005 (The Act).

## **3. Background**

- 3.1 The Council's Statement of Policy under the Act was approved in December 2019 and came into force on 31 January 2020. That policy expires at midnight on 30 January 2025. It is thus imperative that the Council undertakes the review process and publishes its Statement of Policy before the beginning of 2025 when the statutory 5-year policy period ends. The Gambling Act requires that the new policy is published on 1 January 2025 in advance of the expiry of the previous one.
- 3.2 The Act requires that the policy is kept under constant review and amended before the statutory period ends where significant change is identified.
- 3.3 On 24 June 2024, the Cabinet considered a report which set out a draft of the revised Statement of Gambling Policy, as the basis for a formal consultation process.

- 3.4 Formal consultation commenced on 10 July 2024, with a request that responses be received by 21 August 2024. The responses have been carefully assessed. Where that analysis indicates the need for changes to the original draft Policy, such changes have been incorporated in the document now put forward for approval. These changes are outlined in the final column of **Appendix 2** and detailed in column 3.

#### **4. Reasons for Decisions**

- 4.1 To enable The Council to comply with its statutory duty to publish a Statement of Policy in accordance with the provisions of 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 1 January 2025.
- 5.3. It is not considered that another option exists.

#### **6. Financial Implications**

- 6.1. The annual licence fees, capped by Central Government, form part of the overall budget for the Council. The fee cap has not been increased since the commencement of the Act in 2007 but it is hoped the ongoing review of the Act will facilitate an increase.

#### **7. Legal Implications**

- 7.1. Failure to fully consult on the draft policy, or publish the final policy by 1 January 2025, would put the Council in breach of its statutory duty under the Act.

#### **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 2003, intends to apply in discharging its functions to licence premises and individuals under the Act.

#### **9. Carbon Impact**

- 9.1. No carbon impact.

#### **10. Equalities**

- 10.1. The Policy document has been drawn up in accordance with the requirements of the legislation and the detailed measures contained in the statutory guidance

to licensing authorities. An equalities assessment has been undertaken and no negative impacts were identified.

## 11. Consultation

- 11.1. A full public consultation on the draft took place. The consultation period lasted for 6 weeks, followed by assessment of responses and formulation of a final report and final policy document revision. Details of the consultation and responses are summarised at **Appendix 2**.

## 12. Appendices

- 12.1. **Appendix 1**: Statement of Gambling Policy – Proposed Final Version of Revised Document.
- 12.2. **Appendix 2**: Table showing key points of consultation and an analysis of the responses.

## 13. Report Authorisation

| <b>This report has been approved for publication by:</b> |                     |              |
|--|---------------------|--------------|
|  | <b>Name:</b>        | <b>Date:</b> |
| S151 Officer   | Joe Chesterton      | 04/10/2024   |
| Monitoring Officer                                       | Susan Zeiss         | 17/10/2024   |
| Executive Director                                       | Alan Richards       | 14/10/2024   |
| Relevant Cabinet Member(s)                               | Cllr Kevin Robinson | 14/10/2024   |