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| REPORT TO: | LICENSING ACT 2003 COMMITTEE |
| DATE: | 22 APRIL 2024 |
| SUBJECT: | GAMBLING ACT 2005 – REVIEW OF LICENSING POLICY |
| PURPOSE: | To undertake the required statutory three-yearly review of the Council's (Licensing Authority's) Statement of Licensing Principles (Gambling Policy). |
| REPORT OF: | Group Manager Public Protection. |
| REPORT AUTHOR: | Mr Adrian Twiddy (Principal Licensing Officer). |
| EXEMPT REPORT? | The content of this Report is not exempt from publication. |

SUMMARY

The Gambling Act 2005 requires the Council to prepare, consult on and publish a Statement of Licensing Principles (Gambling Policy) that it proposes to apply in exercising its licensing functions under the Act. The 2005 Act requires that the policy is subject to a three yearly review.

This Authority's current policy statement took effect in January 2022 and so the required review process must be completed by the end of 2024 – with the updated policy to come into effect in January 2025. This Report is the start of the policy review process and also sets out the proposed timetable for the review.

RECOMMENDATIONS

That the Committee consider the Council's Gambling Policy (Statement of Principles) and make any relevant amendments to the proposed policy document for 2025 prior to the consultation document being issued for consultation. However, experience since January 2022 has shown that there is nothing of significance that currently needs changing in the policy document and so it is recommended that the forthcoming consultation be issued on that basis.

REASONS FOR RECOMMENDATIONS

The Council is under a legal duty to keep its Gambling Policy under review and now is an appropriate time to start the process of reviewing the current policy document. In line with the

statutory requirements this review of the policy must be completed by January 2025. The policy review must take place every 3-years.

OTHER OPTIONS CONSIDERED

There are no other options for consideration – it is a statutory requirement that the Council reviews the policy on a three-yearly basis.

1. BACKGROUND

1.1. Section 349 of the Gambling Act 2005 requires the Council (the Licensing Authority) to prepare and publish a Statement of the Principles (Gambling Policy) that it proposes to apply in exercising its gambling licensing functions. The statement will last for a maximum of three years - but can be reviewed and revised by the Authority at any time. This Authority's current statement took effect in January 2022 and so the required review process must be completed by the end of 2024 – with the updated policy to come into effect in 04 January 2025.

1.2. A copy of the current policy document can be viewed on the Council's website at:

<https://www.e-lindsey.gov.uk/article/5432/Gambling>

2. REPORT

2.1. The Gambling Act 2005 places the responsibility for the licensing of gambling premises and the issuing of gambling permits with Local Authorities. Amongst other matters the 2005 Act deals with the licensing of:

- Casinos.
- Betting shops.
- Bingo halls.
- Amusement arcades.
- Gaming machines.
- Society lotteries.

2.2. The Act requires Licensing Authorities to prepare, consult on and publish a Statement of Licensing Principles (Gambling Policy) that they propose to apply in exercising their functions under the Act during the 3-year period to which the policy applies.

2.3. Core to the Gambling Act are the licensing objectives. These are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open manner.

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It is important to note that there are no other licensing objectives.

2.4. Section 154 of the 2005 Act indicates that adoption of the Statement of Principles (Gambling Policy) cannot be delegated to the Licensing Committee. Therefore, full Council must adopt the final policy document. This is different to the granting of premises licences, which the Act automatically delegates to the Licensing Committee. It is proposed that the Council in October 2024 will consider the final version of the proposed policy document. The timetable for the review process is:

22 April 2024

The policy review to be considered by the Licensing Act 2003 Committee.

26 April 2024

The proposed policy to be issued for consultation.

26 July 2024

Closing date for consultation responses.

September 2024

Consultation results to be considered by the Licensing Act 2003 Committee. Any appropriate amendments to be made and the Committee to then recommend the updated Policy to the Council for adoption.

October 2024

Policy to be adopted by the Council.

03 December 2024

Revised / Updated Policy to be published.

04 January 2025

Revised / Updated Policy to take effect.

2.5. Officers have reviewed the existing policy document in light of experience of dealing with the 2005 Act and premises licence applications over the last three years. Experience has shown that there is nothing of significance that currently needs changing in the policy document. With this in mind Officers are not asking the Committee to consider changes to the policy – apart from the small change set out in the Paragraph 2.6 of this Report below.

2.6. The current policy document includes a summary of the number of licences and permits that were in force in September 2021. This section of the policy will need to be updated in order to reflect the current number of licences and permits. The current numbers can be found in **Appendix A** of this Report.

2.7. In 2023 the Department for Culture, Media & Sport (DCMS) outlined the Government's intention to review the law governing land-based gambling venues. Details of the proposed measures, in relation to gambling premises, are set out in **Appendix B** of this Report. Currently there appears to be nothing in the proposals that would require amendment of this Authority's policy document.

2.8. **Casino Licensing** - The Council's small casino licensing process (competition) is currently on hold. At present we do not have a specific date when the process will resume. This Report does not propose any changes to the policy in relation to the casino licence competition. See **Appendix C** of this Report for further information regarding the current casino licensing situation.

3. CONCLUSION

3.1. It is a statutory requirement that the Council reviews the gambling policy on a three-yearly basis, and it is proposed to undertake this forthcoming review in line with the timetable set out above.

3.2. Experience has shown that there is nothing of significance that currently needs changing in the policy document and so it is recommended that the forthcoming consultation be issued on that basis (i.e. the proposal is to make no changes to the policy – apart from updating the section showing the number of licences and permits currently in force).

EXPECTED BENEFITS TO THE PARTNERSHIP

Not Applicable.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

Each Council within the Partnership will need to undergo a similar review of its Statement of Licensing Principles (Gambling Policy).

CORPORATE PRIORITIES

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the district's residents, visitors, and business community. Effective implementation of an appropriate licensing regime should help to promote the local economy.

STAFFING

None.

WORKFORCE CAPACITY IMPLICATIONS

None.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

The policy document must comply with the requirements of the Gambling Act 2005 and the Gambling Commission's Guidance to Licensing Authorities. It must also comply with the Code of Practice in relation to casino premises licensing.

DATA PROTECTION

Not Applicable.

FINANCIAL

This policy review is being undertaken as part of the normal duties carried out by the Licensing Team with no additional costs involved.

RISK MANAGEMENT

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters. There is also the risk of judicial review if the policy is found not to comply with the requirements of the Gambling Act 2005 and associated legislation, regulations and guidance.

STAKEHOLDER / CONSULTATION / TIMESCALES

None.

REPUTATION

Having a robust licensing scheme protects public safety and commands the confidence of the public.

CONTRACTS

Not Applicable.

CRIME AND DISORDER

Core to the Gambling Act 2005 are the licensing objectives, which are detailed in Paragraph 2.3 of this Report. The licensing objectives will be considered throughout this policy review and in relation to the Authority's Section 17 requirements.

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

Equality Implications: There are no equality implications arising from the recommendations of this Report.

Human Rights: The Licensing Authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action / policy proportionate to what it wishes to achieve, or, colloquially does the end justify the means.

Safeguarding: The Gambling Act 2005 includes the licensing objective of 'protecting children and other vulnerable persons from being harmed or exploited by gambling'. This licensing objective will be considered throughout this policy review.

HEALTH AND WELL BEING

Not Applicable.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Not Applicable.

ACRONYMS

DCMS - Department for Culture, Media and Sport.

BACTA - British Amusement Catering Trades Association.

| APPENDICES | |
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| Appendices are listed below and attached to the back of the report: | |
| APPENDIX A | Current number of gambling licensing authorisations in force with this Authority. |
| APPENDIX B | Summary of the Government's proposed changes to the law governing land-based gambling venues. |
| APPENDIX C | Summary of this Council's current position regarding the small casino licensing process. |

| BACKGROUND PAPERS |
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| The Gambling Commission's Guidance to Licensing Authorities: https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities |

| CHRONOLOGICAL HISTORY OF THIS REPORT |
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| A Report on this item has not been previously considered by the Licensing Act 2003 Committee. |

| REPORT APPROVAL | |
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