

Committee: **Council**

Date of meeting: **25<sup>th</sup> November 2021**

Report Subject: **Gambling Act 2005 - Review of Statement of Gambling Policy**

Portfolio Holder: **Councillor J. Wilkins – Executive Member Environment**

Report Submitted by: **David Thompson – Service Manager, Public Protection**

Report Written by: **Helen Jones – Senior Licensing Officer**

| Reporting Pathway           |                           |                          |                              |                               |                    |                     |          |  |
|-----------------------------|---------------------------|--------------------------|------------------------------|-------------------------------|--------------------|---------------------|----------|--|
| Directorate Management Team | Corporate Leadership Team | Portfolio Holder / Chair | Governance & Audit Committee | Democratic Services Committee | Scrutiny Committee | Executive Committee | Council  | Other (please state)                   |
| 5.10.21                     | 7.10.21                   |                          |                              |                               |                    |                     | 25.11.21 | Statutory Licensing Committee 28.10.21 |

## 1. Purpose of the Report

- 1.1 To approve the Gambling Act 2005 - Statement of Licensing Policy (the Policy) following its statutory review.

## 2. Scope and Background

- 2.1 The Gambling Act 2005 (hereafter called ‘the Act’) stipulates that each licensing authority publish a Licensing Policy which sets out the manner in which the Council will consider applications for licences in accordance with the Act. The Act also stipulates that the Council must review this policy every three years following consultation with various stakeholders and interested parties. The Council must consider any representations received, and determine if any changes are required to be made to the existing policy.
- 2.2 The current policy came into force on 31<sup>st</sup> January 2019 and therefore the new updated policy must be advertised in a local newspaper before being implemented from 31<sup>st</sup> January 2022.
- 2.3 Prior to the consultation, discussions were held between the Gwent Licensing Authorities and it was agreed that no changes were

necessary to the existing policy other than to update correspondence addresses of many Council departments and various external organisations.

- 2.4 Statutory consultation on the draft Policy was carried out between 3<sup>rd</sup> September and 1<sup>st</sup> October 2021 with six relevant licence holders under the Act, covering 12 licensed gambling premises consisting of three adult gaming centres and eight betting premises. Some licensees hold more than one licence.
- 2.5 Consultation was also carried out between Responsible Authorities, Members and other relevant groups and organisations, for example, the Gambling Commission, HMRC, Gamcare. Only one response was received during this period and this was purely administrative to amend an address of an organisation. Consequently, there are no significant changes to the reviewed Policy.
- 2.6 The Statutory Licensing Committee considered the reviewed policy at its meeting on 28<sup>th</sup> October 2021 and resolved to recommend its approval by Council as approval cannot be delegated to the Committee. A copy of the proposed final policy is attached at **Appendix 1**.

### **3. Options for Recommendation**

#### **3.1 Option 1 (Preferred Option)**

- That the Council approves the reviewed policy in **Appendix 1**.

#### **Option 2**

- That the Council approves the policy subject to further amendments.

#### **Option 3**

- That the policy is not approved by the Council.

#### **4. Evidence of how does this topic supports the achievement of the Corporate Plan/Statutory Responsibilities/Blaenau Gwent Well-being Plan**

- 4.1 This report relates to the statutory duties and responsibilities of the Authority.
- 4.2 Links to the Corporate Plan and the Well-being Plan are covered in any reports implementing or varying any area of work delivered by the Licensing Team. This report links to the Corporate Plan 20/22 specifically in relation to 'An ambitious and innovative council delivering the quality services we know matter to our communities'.

Visit here:

<http://democracy.blaenau-gwent.gov.uk/documents/s5443/CO2007D9%20Appendix%20Refresh%20of%20Corporate%20Priorities.pdf?LLL=0>

#### **5. Implications Against Each Option**

- 5.1 This report reflects work carried out by the Licensing Team within existing resources and there are therefore no financial implications. Most gambling licence fees are set by the authority on an annual basis.
- 5.2 If the Council does not approve a Policy as required by statute, it will be at risk of legal challenge from stakeholders and licence holders for authorisations granted under the Gambling Act 2005.
- 5.3 This report relates to the statutory powers and responsibilities of the Authority. There are no significant legal implications of Option 1. This option offers the most effective proposal to provide confidence in the licensing regime and has been drafted in conjunction with the other Authorities in Gwent.
- 5.4 Option 2 would however require further legal consideration to ensure that any proposed amendments are lawful and reasonable.
- 5.5 Option 3 places the Authority at risk of legal challenge if a revised Policy is not adopted and published within the three year period (by 31<sup>st</sup> January 2022) as required by the Gambling Act 2005.

5.6 There are no staffing/workforce implications associated with this proposal.

## 6. **Supporting Evidence**

- Gambling Act 2005 – Statement of Licensing Policy 1<sup>st</sup> October 2021 draft version (**Appendix 1**)

## 7. **Monitoring Arrangements**

7.1 This Policy will be subject to statutory review as required by the Gambling Act 2005 and further reports will be made to Statutory Licensing Committee as appropriate, regarding any changes that become necessary.