

Title of report: **Statement of Gambling Policy 2024-2027**

Meeting: Council

Meeting date: Friday 26 July 2024

Report by: Cabinet member roads and regulatory services

Classification

Open

Decision type

Budget and policy framework

Wards affected

(All Wards);

Purpose

To review and approve the statement of principles (Gambling Policy) to be applied by the council when exercising its licensing functions under the Gambling Act 2005 (the Act). The current policy was approved in March 2019; that policy has been reviewed and refreshed to take account of new guidance issued by the Gambling Commission.

Recommendation(s)

That:

- a. The draft policy at appendix 1 be approved.**

Alternative options

1. Not to approve the revised policy. This is not recommended as this would leave the Licensing Authority without any policy to guide its decision-making process. It would also breach the legislation, as there is a requirement under the Gambling Act that the Licensing Authority has an up-to-date policy.

2. To make further changes to the policy. This is not recommended as the draft policy has been subject to consultation and no further areas for improvement or change identified.

Key considerations

3. Section 349 of the 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. The current statement was approved in March 2015.
4. One of the roles of the Local Authority under the Act is to consider applications for premises licences, for those premises to be used for the purpose of gambling. Other matters such as the issuing of operator's licences and online gambling, come under the remit of the Gambling Commission.
5. The previous policy appears to have been effective although as a Licensing Authority we receive very few applications concerning actual gambling premises. Most of the applications under the Act are for gaming machines and small lotteries.
6. The purpose of the policy is to ensure that the three licensing objectives are promoted within Herefordshire and this appears to have been effective in the past. The council has never received any complaints in relation to gambling.
7. Whilst the policy remains largely unchanged, amendments have been made to reflect the requirements of two new codes issued by the Gambling Commission: Licensing Conditions and Code of Practice (LCCP) and the Social Responsibility Code. The policy now reflects the requirement for these codes to be followed.
8. Over the life of the policy, the effectiveness of the policy will be monitored to ensure that the licensing objectives are being promoted. This will be achieved by monitoring whether any issues are identified which affects these licensing objectives.
9. The new policy will be published on the council website and has already been consulted on, so people are already aware of the proposed changes.

Community impact

10. The licensing objectives under the Act are:
 - a. Preventing gambling from being a source of crime or disorder; being associated with crime or disorder; or being used to support crime.
 - b. Ensuring that gambling is conducted in a fair and open way.
 - c. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
11. The policy will ensure that businesses are aware of the expectations of the Licensing Authority in respect of gambling premises. This will result in the promotion of the licensing objectives, as well as having a positive impact on the priorities within the Council's Plan 2024-2028 which are:
 - **People** - We will enable residents to realise their potential, to be healthy and benefit from communities that help people to feel safe and supported

- **Place** - We will protect and enhance our environment and ensure that Herefordshire remains a great place to live. We will support the right housing in the right place and do everything we can to improve the health of our rivers
 - **Growth** - We will create the conditions to deliver sustainable growth across the county. We want to attract inward investment, create more jobs, enable housing development and provide the right infrastructure to keep Herefordshire moving forward
 - **Transformation** - We will be an efficient council that embraces best practice, delivers innovation through technology and demonstrates value for money
12. The policy will help promote the life chances of looked after children or care leavers, by protecting them from being harmed or exploited by gambling, whilst at the same time ensuring the health, safety and wellbeing of employees, contractors or others who may be affected by the decision.
13. By exercising the functions correctly in respect of the Act, an appropriate balance can be struck between the requirement to protect children and the vulnerable from being harmed and exploited, whilst supporting the needs of legitimate business and the local economy.

Environmental Impact

14. Whilst this is a decision on back-office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.

Equality duty

15. The effects of this policy have been considered in relation to both the Equality Act 2010 and the Human Rights Act 1998. It will have little impact as:
- i. The policy remains in essence the same as the previous one, with only minor amendments which are updating the policy, mainly because of guidance issued by the Gambling Commission and
 - ii. One of the Licensing Objectives under The Gambling Act is the protection of children and other vulnerable persons from being harmed or exploited by gambling and the policy reflects this objective.

16. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Resource implications

17. This report has no resource implications.

Legal implications

18. Section 349 of the Act requires all Licensing Authorities to prepare and publish a statement of licensing principles every three years. In exercising their functions under s153 (1) of the Act a Licensing Authority must have regard to the legislative requirements of the Act and the statement published by the Licensing Authority under section 349 of the Act. Failure to have an up-to-date Gambling Licensing Policy would mean that the Licensing Authority was in breach of legislation and would be open to challenge in relation to the exercise of its functions under the Act.
19. Licensing Authority policy statements under s349 of the Gambling Act 2005 are defined as budget and policy framework items which can be agreed at a Council meeting only. The report has been recommended by the Cabinet Member Roads and Regulatory Services.

Risk management

20. None associated with the recommendation. Failure to reach a decision could result in an application for Judicial Review being made, as the regulation of gambling establishments would have to be in the absence of an up-to-date policy.
21. Should no policy be adopted then there would cease to be any up-to-date guidance to applicants as well as to decision makers which would make it difficult to defend any decision that is challenged.

Consultees

22. In accordance with the Gambling Act 2005 the following have been consulted:
 - i. West Mercia Police
 - ii. All holders of premises licences under the Gambling Act 2005 in Herefordshire
 - iii. All holders of alcohol licences under the Licensing Act 2003
 - iv. All holders of small lotteries
 - v. The Gambling Commission
 - vi. Public Health
 - vii. Herefordshire Safeguarding Board
 - viii. Planning Department
 - ix. Parish and town Councils

There were over 400 emails sent as part of the consultation process.

- 23. Feedback has been received from a licensed premises and a Town Council (appendix 2).
- 24. A summary of the changes can be found at Appendix 3.

Appendices

- Appendix 1 - Statement of Gambling Policy 2024-2027
- Appendix 2 - Summary of feedback
- Appendix 3 - Summary of changes

Background papers

'None identified'.

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 05/07/2024
Finance	Judith Tranmer	Date 19/06/2024
Legal	Ben Davies	Date 08/07/2024
Communications	Luenne Featherstone	Date 18/06/2024
Equality Duty	Harriet Yellin	Date 21/06/2024
Procurement	Karilyn Secker - Commercial officer	Date 19/06/2024
Risk	Jessica Karia	Date 15/07/2024
Approved by	Ross Cook	Date 18/07/2024