

Licensing Acts Committee



Report of Head of Communities

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To: Licensing Acts Committee

DATE: 21 November 2024

Review of Joint Gambling Policy

Recommendations

- (a) The committee is recommended to consider the outcome of the consultation and recommend Council to:
- i) adopt the proposed Joint Gambling Policy
 - ii) authorise the Head of Communities to make minor editorial changes to the Joint Gambling Policy.
 - iii) authorise the Head of Communities to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.
- (b) The committee is asked to consider whether to recommend Council adopt a ‘no casino’ resolution under section 166 (1) of the Gambling Act 2005, meaning that any application for a casino would not be considered.

Implications (further detail within the report)	Financial	Legal	Climate and Ecological	Equality and diversity
	No	Yes	No	No
Signing off officer	James Ticehurst	Sarah Commins	Jessie Fieth	Lorne Grove

Purpose of Report

1. To consider the Joint Gambling Policy following the statutory consultation and make the required recommendations to Council.

Strategic Objectives

2. The relevant strategic objectives are ‘Openness and accountability’ and ‘Improved Economic and Community Wellbeing’. The policy will also ensure the council is meeting its statutory responsibilities.

Background

3. The council’s current Joint Statement of Gambling Policy came into effect from 31 January 2022. The policy is subject to statutory review every three years so is due for review by 31 January 2025.
4. Current numbers of issued licences, permits and registrations are as follows, with figures from 2021 for comparison.

Type	2021	2024
Betting premises	7	6
Gaming machines in clubs and pubs (permits for 3+ machines and notifications of up to 2 machines)	69	72
Bingo	1	1
Adult gaming centre (amusement arcade)	2	2
Small society lotteries	111	135

5. Officers are not aware of any concerns in respect of how the policy has operated in the last three years. All licensed betting, bingo and adult gaming centres are all inspected at least once a year, with high levels of compliance and no formal enforcement action (for example prosecutions or reviews) since the Act came into force. Numbers of inspections and enforcement actions are reported annually to the Gambling Commission, the body responsible for most gambling activity, including licensing of operators, personal licences and online gambling.

Proposed policy

6. The proposed new policy is attached at **Appendix A**. The policy has been updated to change the dates and correct minor and typographical errors. There have been no relevant legislative changes or issues over the last three years which would indicate that the council should make more substantial changes.

Consultation results

7. The consultation ran from 2 to 31 August. It was a public consultation, and in addition was sent to:
 - All the responsible authorities as defined in the Gambling Act 2005
 - All councillors, including Town and Parish Councils

- Licence holders
 - Trade bodies, associations and representatives
 - Gamcare, Gamble Aware and Gamblers Anonymous (UK)
 - Trading Standards
 - Public Health
 - Community organisations such as the Samaritans and Citizens Advice
8. One organisation, Gamcare, submitted a blank response to the consultation. No other responses or comments were received.

Gambling policy adoption process

9. It is the role of the committee to recommend to Council to adopt the gambling policy. This committee is asked to recommend to Council to adopt the policy and authorise the Head of Communities to make minor editorial changes and to publish the policy as required by the regulations.

'No casino' resolution

10. As part of its statement of gambling policy, licensing authorities are entitled to pass a 'no casino resolution' or to state that it would welcome a casino if the opportunity to bid for a premises licence were to become available.
11. It is the role of this committee to recommend to Council whether there should be a 'no casino' resolution. If introduced, this would mean that the council could not consider any applications for casino premises licences.
12. Any application to open a casino would first require an amendment of The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 by the Secretary of State. At present there are 53 licensing authorities that were designated in 1969 as 'permitted areas' entitled to have a casino (including Reading). In addition, 15 licensing authority areas were selected following open competition to issue new large and small casino premises licences under the Gambling Act 2005.
13. The council currently has a 'no casino' resolution which has been included at paragraph 6.27 of the draft policy.
14. If the committee recommend the 'no casino' clause then it must recommend the adoption of such a resolution under Section 166 (1) of the Gambling Act 2005 by Council.

Implementation

15. Once the Council has adopted a new gambling policy it must publish a notice of intention to adopt the new policy four weeks before the new policy comes into force.
16. The policy will next be due for review by 31 January 2028.

Financial Implications

17. There are no anticipated financial implications arising from the adoption of the proposed policy. The council has set fees for gambling authorisations which seek to recover the costs of the process including compliance checks.

Legal Implications

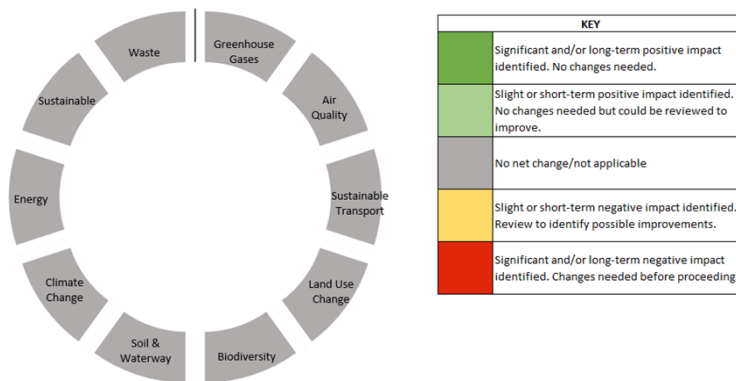
18. Section 349 (1) of the Gambling Act 2005 requires the council as licensing authority at least every three years to prepare and publish its Statement of Gambling Principles that they propose to apply in exercising their licensing and enforcement functions under the Act, the principles that they will follow, and their expectations of licensees. This is set out in the Joint Statement of Policy (“the policy”) and forms an essential part of the decision-making process for gambling applications.

19. Section 349(2) requires the council to periodically review the policy, revising it if thought necessary as a result of the review and publishing the revision before giving effect to it. This is to ensure that the policy reflects current legislation and is relevant to the council’s area and reduces the risk of the council’s policy being open to challenge.

20. The council has to have its Gambling Policy agreed, published and in place by 31 January 2025. Failure to meet this deadline could mean that the council would be unable to properly administer its licensing duties under the Gambling Act 2005 after that date which could lead to unacceptable deficiencies in safeguarding and exposing the public to serious risks and public safety being compromised. The council could be open to allegations of maladministration and to legal challenges.

Climate and ecological impact implications

21. There are no anticipated climate and ecological implications arising from the adoption of the proposed policy, as shown by the climate impact assessment tool output below.



Equalities implications

22. An Equality Impact Assessment has been completed and there are no implications identified.

Risks

23. Failure to properly consider the policy could result in the council not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions are fair, consistent and comply with the legislation.

Other Implications

24. None

Conclusion

25. The committee is recommended to consider the outcome of the consultation and recommend Council to:

- (a) adopt the proposed Joint Gambling Policy
- (b) authorise the Head of Communities to make minor editorial changes to the Joint Gambling Policy.
- (c) authorise the Head of Communities to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

26. The committee is asked to consider whether to recommend Council adopt a 'no casino' resolution under section 166 (1) of the Gambling Act 2005, meaning that any application for a casino would not be considered.

Background Papers

- Appendix A – Proposed Joint Statement of Gambling Policy