

TORBAY COUNCIL

Public Agenda Item: **Yes**

Title: **Gambling Act 2005 Statement of Licensing Policy 2025 – 2028 Consultation**

Wards Affected: **All**

To: **Licensing Committee** On: **24 October 2024**

Key Decision: **Yes**

Change to Budget: **No** Change to Policy Framework: **Yes**

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1. **What we are trying to achieve**

- 1.1 To allow Members to make representations relating to the draft 'Gambling Policy', (*hereinafter referred to as the 'Statement of Principles 2025-28'*), which Torbay Council is required to review and publish every three years.

2. **Recommendation(s) for decision**

- 2.1 There are no Officer recommendations, as adoption of the final Policy is a function of Full Council. The Licensing Committee, however, are consultees during this process and are therefore invited to propose amendments as deemed appropriate, which will be collated by officers before being ultimately determined by Cabinet prior to full Council adoption.

3. **Key points and reasons for recommendations**

- 3.1 Section 349 (1) of the Gambling Act 2005 (hereinafter referred to as 'the Act') requires that a Licensing Authority must prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act. It further requires that it should be reviewed and re-published every three years.
- 3.2 The current Policy, published on 31 January 2022, has been reviewed and updated in line with statutory changes as well as changes to guidance and codes of practice. In accordance with Section 5 (3) of the Act, the Policy must be consulted widely, which has been done.

- 3.3 The Licensing Committee is a consultee during the adoption process and may propose alterations to the policy as they deem appropriate.
- 3.4 At its meeting on 26 November 2024, Cabinet will be asked to recommend to Council the approval of the Gambling Statement of Principles 2025 to 2028 contained in Appendix 1.

Appendices

Appendix 1: Proposed Gambling Statement of Principles (Gambling Policy) 2025 to 2028

Rachael Hind
Regulatory Service Manager (Commercial)

Annex 1 – Supporting information to Report

A1. Introduction and history

- A1.1 Section 349 (1) of the Gambling Act 2005 (hereinafter referred to as ‘the Act’) requires that a Licensing Authority must prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act. It further requires that it should be reviewed and re-published every three years.
- A1.2 The current Policy has been reviewed and updated in line with statutory changes as well as changes to guidance, codes of practice, good working practices. The draft (consultation) Policy is attached at Appendix 1.
- A1.3 There will be upcoming changes to the Gambling Act 2005, following the publication of the governments Gambling White Paper ‘High stakes: gambling reform for the digital age’ in April 2023. However, the review of the Statement of Principles cannot wait until the legislation has been updated. We have a statutory responsibility under the Act to complete this process of review of the Policy and to publish the final revision of the Policy on the 31 January 2025. Therefore the Policy has been reviewed the Statement of Principles based on the current legislation and Gambling Commission Codes of Practice and have only made minor changes for the draft statement for 2025 – 2028. The information regarding Small Casinos has not been removed, as the Department for Culture, Media and Sport have advised that the reallocation did not take place as planned.
- A1.3 In accordance with Section 349 (3) of the Act, the Policy must be consulted widely with key consultees, which are identified below.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

The risks associated with agreeing the Statement of Principles (Gambling Policy) is minimal as it has been reviewed in accordance with the regulatory requirements, which includes full consultation and consideration of any comments that have been received.

The risks are more associated with any failure to review and re-publish the Statement in time, as the effect would be that the Council would have no policy in place, which effectively would prevent lawful discharge of functions under the Gambling Act 2005. This may lead to legal challenge against the Council and financial penalties being incurred.

A3. Options

- A3.1 There is no option other than for the Policy to be reviewed and republished by the 31 January 2025, as failure to do so could leave the Council open to risk of legal challenge.
- A3.2 Members are at liberty to propose amendments to the draft Policy 2025 to 2028 as appropriate, which will form part of the consultation response that will be

presented to Cabinet and then to Full Council for adoption.

A4. Summary of resource implications

A4.1 There are no significant additional resource implications that will derive from the Council discharging its statutory obligations, under the Act.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no equalities or environmental sustainability implications. These matters were all considered in the Impact Assessment conducted by Central Government prior to enacting the Primary Legislation.

A5.2 Two of the Licensing Objectives under the Act are “Preventing Gambling being a source of Crime and Disorder” and “Protecting Children and Vulnerable Adults”, therefore, the work conducted under this Policy should have a positive impact in this regard, for example, the amendments relating to UFEC’s will assist the child protection objective.

A6. Consultation and Customer Focus

A6.1 A six-week public consultation exercise was undertaken between 12 July 2024 and 23 August 2024, which included writing to the following interested parties:

- Representatives of existing licence holders
- Bodies representing existing gambling businesses in Torbay.
- The Chief Officer of Devon and Cornwall Police.
- The Chief Officer of Devon and Somerset Fire and Rescue Service.
- Torbay and South Devon NHS Foundation Trust
- Torbay Safeguarding Children’s Partnership
- Torbay Council: Planning and Community Safety Department
- Director of Public Health
- Ward Councillors
- Safer Communities Torbay.
- Facilities in Torbay assisting vulnerable persons.
- Representatives of local faith groups.
- Local residents groups.
- Brixham Town Council.
- English Riviera BID
- Gamcare
- Gamblers Anonymous
- GambleAware
- Mencap
- NSPCC
- Gambling Commission

The online survey was hosted on the Council's engagement page and website and copies of the Policy and survey questions were available at the libraries of Torquay, Paignton and Brixham. Social media posts were sent out via Facebook, LinkedIn and Twitter to encourage participation in the consultation.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other business units relating to this report.

Background Papers:

The following resources and documents were used to compile this report:

1. Current Gambling Statement of Principles (Gambling Policy) 2022 – 2025 - [Gambling Statement of Principles - Torbay Council](#)
2. Gambling Act 2005 - [Gambling Act 2005 \(legislation.gov.uk\)](#)
3. Gambling Commission Code of Practice - [Codes of practice \(gamblingcommission.gov.uk\)](#)

