

Report No: Public Agenda Item: **Yes**

Title: **Gambling Act 2005  
Statement of Licensing Policy 2022 – 2025**

Wards  
Affected: **All**

To: **Licensing Committee** On: **2<sup>nd</sup> September 2021**

Key Decision: **No**

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

Contact Officer: **Steve Cox**  
☎ Telephone: **01803 207631**  
✉ E.mail: [Steve.cox@torbay.gov.uk](mailto:Steve.cox@torbay.gov.uk)

## **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 2022-25*), 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 30<sup>th</sup> January 2019, 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 Approval of the finalised Policy following consultation, is a Full Council decision and a report on the draft Policy 2022 – 2025, will be presented to Full Council for adoption on 2<sup>nd</sup> December 2021.

**For more detailed information on this proposal please refer to Annex 1.**

**Steve Cox  
Environmental Health 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 Attached in Appendix 1, is the Cabinet summary report, which cover the matters normally contained with Annex 1.
- A1.3 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 2.
- A1.4 In accordance with Section 349 (3) of the Act, the Policy must be consulted widely with key consultees, which are identified in Appendix 1 of the report.
- A1.5 Legal advice has been sought on the draft Policy from Philip Kolvin QC, and that advice will be adopted once received.
- A1.6 The Council has 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 30th January 2022.
- A1.7 Approval of the finalised Policy following consultation, is a Full Council decision and a report on the draft Policy 2022 – 2025, will be presented to Full Council for adoption on 2<sup>nd</sup> December 2021.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

The risks are more associated with any failure to review and re-publish the Policy in the prescribed time. The effect being that the Council has no Policy in place, which could prevent lawful discharge of its functions under the Act, which may lead to legal challenge against the Council and financial penalties being incurred.

The risks associated with agreeing the Policy are minimal, as it has been reviewed in line with regulatory requirements, which include full consultation, advice from Philip Kolvin QC and consideration of any comments that are received.

### **A3. Options**

- A3.1 There is no option other than for the Policy to be reviewed and republished by the 30<sup>th</sup> January 2022, 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 2022 to 2025

as appropriate, which will form part 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 full consultation is taking place with the statutory consultees from 19<sup>th</sup> July to the 12<sup>th</sup> September 2021.

A6.2 The consultation has also be published on the Council website during the same time period.

#### **A7. Are there any implications for other Business Units?**

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

### **Appendices**

Appendix 1 Report to Cabinet 7<sup>th</sup> July 2021

Appendix 2 Draft Statement of Gambling Policy 2022 to 2025

**Documents available in members’ rooms:** None

### **Background Papers:**

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

1 Gambling Act 2005.

2 The Statement of Gambling Policy 2019 to 2022