

Meeting: [Cabinet](#) **Date:** 11 July 2024

Wards affected: [All](#)

Report Title: [Gambling Act 2005 – Draft Licensing Statement of Principles \(Gambling Policy\) 2025 - 2028](#)

When does the decision need to be implemented? [31 January 2025](#)

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1. Purpose of Report

- 1.1 The Gambling Act 2005 requires Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Principles' (the Gambling Policy), every three years. The Statement of Principles outlines the procedures that the Licensing Authority intends to follow in discharging its statutory responsibilities under the Act. The current Statement was published on 31 January 2022 and therefore, it must be reviewed, consulted upon and re-published, on or before 30 January 2025.
- 1.2 There will be changes in the near future to the Gambling Act, 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 therefore 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 also been removed, following the reallocation of the unused small casino licence by the Department for Culture, Media and Sport in September 2023.

2. Reason for Proposal and its benefits

- 2.1 The Gambling Act Statement of Principles is a framework policy and as such Cabinet Member approval is required prior to the commencement of public consultation.
- 2.2 The proposal is made in order to meet the statutory requirement, as prescribed under Section 349 Gambling Act 2005, which requires that the Licensing Authority to publish a Statement and to review and re-publish the same, every three years. The Authority has reviewed its current Policy and has prepared a draft 'Statement of Principles 2025-28' which will be formally published on the 12 July 2024 inviting public consultation and comment for a period of six weeks. This is attached as **Appendix 1** to this report.
- 2.3 The Statement ensures clarity as to how the Council will fulfil its role as the Licensing Authority and provides guidance to businesses and the public. Gambling premises are part of the UK culture, particularly in seaside locations, providing they are undertaken responsibly. This Statement assists businesses to function safely and within the law. It therefore helps to promote two of the Corporate Plan priorities, namely community and people, and economic growth.

Community and People – Gambling activities could negatively affect a participant's welfare. This revised policy and the licensing system will assist in minimising the risk of negative impact as far as the law allows. The statutory controls via the Gambling Commission and Local Authorities will assist in excluding children and young persons from accessing age-restricted activities, or those with any gambling addiction.

Economic Growth – Gambling is a part of the local leisure and entertainment industry offered within Torbay. This revised policy will provide businesses with a consistent and transparent view of how the Council will consider premises licence applications in respect to the design, layout and operation of premises used for gambling activities.

3. Recommendation(s) / Proposed Decision

- 3.1 That Cabinet approves the draft Gambling Statement of Principles 2025 to 2028 (as set out at Appendix 1 to this report), for public consultation.

Appendices

Appendix 1: Draft Gambling Statement of Principles 2025 to 2028

Background Documents

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 \(gamblingcommission.gov.uk\)](#)

1. Introduction

- 1.1 Torbay Council has a statutory responsibility under Section 349 of the Gambling Act 2005 (the Act) to review, consult and to re-publish its Licensing Statement of Principles (Gambling Policy). The published document then provides the framework for all decisions on applications relating to the Gambling Act 2005 and the way the Council carries out its functions in relation to the legislation.
- 1.2 The process of review, consultation and publication must be completed on or before 30th January 2025.
- 1.3 There will be forthcoming changes to the Gambling Act, 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 therefore 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.

Minor updates have been made to:

- update any out-of-date website links/contact details for example to the Gambling Commission guidance notes.
- include references to the specific parts of the Gambling Commission guidance and code of practices.

More detail has been provided in some parts of the policy namely regarding:

- the application process,
- the Council's routine inspections,
- gambling prevalence and social responsibility,
- vessels and vehicle licences,
- machine permits,
- small society lotteries,
- unlicensed family entertainment centres,

- child sexual exploitation.

The information regarding Small Casinos has also been removed, following the reallocation of the unused small casino licence by the Department for Culture, Media and Sport in September 2023. As the permission to issue a small casino premises had not been used since it was granted in 2008, the Secretary of State reallocated the licence to another area.

The updates can be seen in the tracked changes within the report. The report will be published with and without tracked changes as the Gambling Commission recommend the tracked changes are included so that any alterations are clear for the public consultation.

2. Options under consideration

- 2.1 There are no other options available, as the review of the Statement of Principles is a statutory requirement under the Gambling Act 2005 and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006/636).

3. Financial Opportunities and Implications

- 3.1 The proposals contained in this report will not commit the Council financially in any regard, other than staff and consultations costs which will be drawn from existing budgetary resources.

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 It is intended that the public consultation on the policy will be open for six weeks. It is planned that the consultation process will provide all stakeholders, interested parties and the public in general the opportunity to have their say on the content of the draft. Persons to be consulted will include:

- 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 final version of the draft Statement of Principles will then go before Full Council for approval on the 5 December 2024.

6. Procurement Implications

6.1 This proposal does not require the purchase or hire of goods or services.

7. Protecting our naturally inspiring Bay and tackling Climate Change

7.1 There is no aspect of this Statement that will impact negatively or positively on climate.

8. Associated Risks

8.1 There are no risks with agreeing the consultation process which is necessary to comply with the legislative requirements.

9. Equality Impact Assessment

The Statement of Principles is a review of an existing Policy and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The three gambling licensing objectives are also designed to ensure consideration of any impacts.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>No person under the age of 18 shall be permitted entry to age-restricted licensed premises such as casinos, bingo halls, betting shops and adult gaming centres, where gambling is permitted. There is no upper age limit. This is prescribed by statute.</p> <p>The Council does not impose any local age restrictions on the application process.</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>There is no requirement for the applicant to pass on any details about whether they are a carer. The council hold no information of any applicants from this group. The policy will grant permits/licenses to any licensed operators that conform to the requirements of this policy. Gambling</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>

		premises cannot allow anyone under 18 to enter the premises at any time.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	<p>There is no requirement for the applicant to pass on any details of medical capacity.</p> <p>There are no equality restrictions of who can enter licensed premises. The council hold no information of any applicants from this group.</p> <p>The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of disability.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	<p>There are no gender restrictions of who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group.</p> <p>The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of gender reassignment.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time	There are no equality restrictions of who can be a collector providing that the	Routine assessment of applications and	Licensing Officers and

	<p>of 2021 Census, 44.2% of people were married or in a registered civil partnership.</p>	<p>promoter has a valid permit/licence in place. The council hold no information of any applicants are from this group. The policy will grant permits/licenses to any licenced operators that conform to the requirements of this policy without consideration of marriage or civil partnership.</p>	<p>monitoring to ensure compliance with regulations.</p>	<p>other authorised officers.</p>
<p>Pregnancy and maternity</p>	<p>Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.</p>	<p>There are no equality restrictions of who can be a collector providing that the promoter has a valid permit/licence in place.</p> <p>The council hold no information of any applicants are from this group. The policy will grant permits/licenses to any licenced operators that conform to the requirements of this policy without consideration of pregnancy and maternity.</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>
<p>Race</p>	<p>In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst</p>	<p>There are no race restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group. The policy will grant a premise licence to any</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>

	the 20% most deprived areas in England.	applicant that conforms to the requirements of this policy without consideration of race.		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no requirement for the applicant to pass on any details concerning faith, religion or belief. The council hold no information of any applicants from this group The policy will grant a premises licence to any applicant who has the appropriate operator and personal licences required of the Gambling Commission and who conform with the requirements of this policy without consideration of faith, religion, or belief.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Sex	51.3% of Torbay's population are female and 48.7% are male	There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The policy will grant a premises licence to any applicant who has the appropriate operator and personal licences required of the Gambling Commission and who conform with the requirements of this policy without consideration of gender.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The policy will grant a premises licence to any applicant who has the appropriate operator and personal licences required of the Gambling Commission and who conform with the requirements of this policy without consideration of sexual orientation.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any minimum age-restricted requirements. The policy will grant a premises licence to any applicant who has the appropriate operator and personal licences required of the Gambling Commission and who conform with the requirements of this policy.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)	The Local Area Profile - Local area profile - Torbay Council has assessed the key characteristics of the local area in the context of gambling -related harm. This	The policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities providing that they are lawful and within their licensing requirements.	The Local Area Profile will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.

	sits aside the council's statement of principles and provides information to assist applicants in gauging a better understanding of the types of people who are at risk of being vulnerable to gambling related harm, where they are located and any current or emerging problems that may increase the risk.	Licensed premises must also have procedures in place to protect vulnerable persons from gambling irresponsibly. There are no other equality restrictions other than to protect children and young persons from age restricted gambling activities.		
Public Health impacts (Including impacts on the general health of the population of Torbay)	The Local Area Profile - <u>Local area profile - Torbay Council</u> has assessed the key characteristics of the local area in the context of gambling -related harm. This sits aside the council's statement of principles and provides information to assist applicants in gauging a better understanding of the types of people who are at risk of being vulnerable to gambling related harm, where they are located and any current or emerging problems that may increase the risk.	The policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities for the benefit of national and local needs. There are no equality restrictions of who can be a premises licence holder. Local communities have an opportunity to visit these premises if they wish.	The Local Area Profile will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.
Human Rights impacts	There are no human rights impact with regards to the Gambling Act. The Council ensures it complies with the legislative requirements.	The policy seeks to promote flexibility and fairness to all premises licence holders by balancing the lawful right of charities to collect without undue inconvenience to the general public.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	The policy will grant permits/licenses to any licensed operators that conform to the requirements of this policy. Gambling premises cannot allow anyone under 18 to enter the premises at any time.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
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10. Cumulative Council Impact

None

11. Cumulative Community Impacts

None