

TEWKESBURY BOROUGH COUNCIL

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| Report to: | Licensing Committee |
| Date of Meeting: | 9 June 2022 |
| Subject: | Review of Tewkesbury Borough Council's Statement of Principles under the Gambling Act 2005 |
| Report of: | Licensing Operations and Development Team Leader |
| Corporate Lead: | Head of Community Services |
| Lead Member: | Lead Member for Clean and Green Environment |
| Number of Appendices: | 2 |

Executive Summary:

To provide information that will allow the Licensing Committee to consider a draft Statement of Principles prior to formal consultation. The Statement will outline the principles Tewkesbury Borough Council will apply when exercising its functions under the Gambling Act 2005 from December 2022 when the document is presented to Council for adoption.

Recommendation:

To APPROVE the Draft Statement of Principles under the Gambling Act 2005, as set out at Appendix B, for statutory consultation.

Reasons for Recommendation:

There is a statutory requirement to review the Statement of Principles every three years. A full consultation should be carried out prior to the draft document being adopted. The current policy 'expired' in January 2022 and requires urgent review.

Resource Implications:

Total cost of consultation process will be met from existing resources.

Legal Implications:

The Licensing Authority must determine and publish a statement of Licensing Policy under Section 349 (1) of the Gambling Act 2005 ('the Act'). The Licensing Authority is under a duty under Section 349 (2) of the Act to keep its policy under review and make such revisions as it considers appropriate during each three-year period.

Before determining such a policy, Section 349(3) of the Act places a statutory duty on the Licensing Authority to consult with the listed interested parties. Where revisions are made the Licensing Authority must publish a statement of the revisions or the revised licensing statement.

Any significant responses to the sharing of the draft policy with the statutory consultees which lead to amendment of the draft policy would therefore need to be brought back to a subsequent Licensing Committee for them to consider any amendments or variations that may have been suggested during the consultation

Risk Management Implications:

It is a statutory requirement to ensure that the Policy is reviewed every three years. The last review was carried out in 2018 and the document expired in January 2022. A review should be carried out as soon as possible to ensure that the Policy is fit for purpose.

Performance Management Follow-up:

If the Committee is satisfied with the draft document, a full 12 week consultation will be required to take place. Once this has taken place, comments will be referred back to October Licensing Committee to recommend to Council for adoption.

Environmental Implications:

There are no direct environmental implications.

1.0 INTRODUCTION/BACKGROUND

1.1 Under the Gambling Act 2005 the Council, as the Licensing Authority, is responsible for issuing and enforcing licences, permits and notifications under the Act. These include:

- Licences for premises where gambling activities take place such as betting shops and gaming arcades.
- Permits and notifications for gaming machines in pubs and social clubs.
- Registrations for small society lotteries.

1.2 There are only seven licensed premises (Betting Shops) under the Gambling Act 2005 within the borough. There are no licensed bingo clubs or casinos within the borough.

1.3 Currently the legislation does not allow for a new application to be made for a casino in the borough.

1.4 There have been no hearings under the Gambling Act 2005 at Tewkesbury Borough Council.

2.0 TEWKESBURY BOROUGH COUNCIL'S STATEMENT OF PRINCIPLES (POLICY)

2.1 Section 349 of the Gambling Act 2005 requires that the Licensing Authority shall, before each successive period of three years, prepare a policy that it proposes to apply in exercising its functions under the Act and it must publish that statement.

2.2 Section 154 of the Act provides that the function of revising the policy may not be delegated to a Committee. This means that the decision to adopt a revised policy must be made by Council.

2.3 Tewkesbury Borough Council's current Statement of Principles expired on 30 January 2022.

2.4 The Gambling Commission issues guidance on the Gambling Act 2005. This includes guidance on the development and preparation of policy and recommends general principles and content. Tewkesbury Borough Council's current policy takes account of the most recent guidance issued in 2021.

2.5 A copy of the existing policy is attached at **Appendix A**.

- 2.6** Tewkesbury Borough Council's current Statement of Principles has been reviewed and updated by the Licensing Operations and Development Team Leader. There have been some updates to best practice to reflect gambling harm and these have been updated in the revised draft Statement.
- 2.7** A revised draft Statement of Principles is attached at **Appendix B**. The updates are shown in the draft policy with explanations in the comment boxes.
- 2.8** It is the intention that, once the draft Statement of Principles has been approved by the Licensing Committee, it will be put out for formal consultation between June and August 2022.
- 2.9** Consultation will include the list of consultees as shown in Paragraph 4 of this report.
- 2.10** Any comments received during the consultation will be considered by the Licensing Operations and Development Team Leader and One Legal in consultation with the Chair of the Licensing Committee. A final agreed draft will be presented to the Licensing Committee at its meeting in October and, in accordance with the Gambling Act 2005, the Committee will be asked to recommend adoption of the Statement of Principles to Council at its meeting in December.

3.0 OTHER OPTIONS CONSIDERED

- 3.1** No alternative options are proposed.

4.0 CONSULTATION

- 4.1** The Act states that, in preparing the policy, the Licensing Authority shall consult with the Police, persons representing persons carrying on gambling businesses and those affected by such businesses.

A 12 week consultation will be carried out with the following consultees:

- Current licence holders
- Responsible Authorities
- Ward Members
- Town and Parish Councils
- Director of Public Health
- Casino Operators' Association
- British Amusement Catering Trade Association (BACTA)
- British Casino Association (BCA)
- Association of British Bookmakers Ltd (ABB)
- The Bingo Association
- Lotteries Council
- Hospice Lotteries Association
- Citizens' Advice Bureau
- Chamber of Commerce
- GamCare
- Gamblers Anonymous

- Independent Betting Arbitration Service

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 [Tewkesbury Borough Council plan — Tewkesbury Borough Council](#)

6.0 RELEVANT GOVERNMENT POLICIES

6.1 [Guidance to licensing authorities - Gambling Commission](#)

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 None

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None

Background Papers: None

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Appendices: Appendix A – Tewkesbury Borough Council’s Current Statement of Principles

Appendix B – Tewkesbury Borough Council’s Revised Draft Statement of Principles