

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Licensing Committee
<b>Date of Meeting:</b>	6 October 2022
<b>Subject:</b>	Review of Tewkesbury Borough Council's Statement of Principles under the Gambling Act 2005
<b>Report of:</b>	Licensing Operations and Development Team Leader
<b>Head of Service/Director:</b>	Head of Community Services
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	3

## **Executive Summary:**

A draft revised Statement of Principles under the Gambling Act was approved by the Licensing Committee for consultation at its meeting on 9 June 2022. Members are asked to consider any issues raised in the consultation and amendments to the Policy and to recommend it to the Council for adoption.

## **Recommendation:**

**To CONSIDER the draft revised Statement of Principles under the Gambling Act 2005, as set out at Appendix B, and to RECOMMEND TO COUNCIL that:**

- i) the draft revised Statement of Principles under the Gambling Act 2005 be ADOPTED; and**
- ii) it be AGREED that the Council continues to adopt a "no- casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.**

## **Financial Implications:**

None arising directly from this report.

## **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 it to consider any amendments or variations that may have been suggested during the consultation

<p><b>Environmental and Sustainability Implications:</b></p> <p>None arising directly from this report.</p>
<p><b>Resource Implications (including impact on equalities):</b></p> <p>None</p>
<p><b>Safeguarding Implications:</b></p> <p>None</p>
<p><b>Impact on the Customer:</b></p> <p>None</p>

## 1.0 INTRODUCTION

- 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 Section 349 of the Gambling Act 2005 requires that the Licensing Authority shall, before each successive period of three years, prepare a policy that they propose to apply in exercising their functions under the Act and they must publish that statement. Tewkesbury Borough Council's current Statement of Principles expired on 30 January 2022.
- 1.5 Tewkesbury Borough Council's current Statement of Principles was reviewed and updated by the Licensing Operations and Development Team Leader to reflect best practice.
- 1.6 The revised draft Statement of Principles was considered by the Licensing Committee at its meeting on 9 June 2022 where it was approved for a 12 week consultation.

## 2.0 REVISED STATEMENT OF PRINCIPLES (POLICY)

- 2.1 Following the Licensing Committee meeting in June, a full consultation was carried out as set out at Paragraph 3 of this report.
- 2.2 The final draft Statement of Principles under the Gambling Act 2005 is attached at Appendix B for consideration. In accordance with the Gambling Act 2005 the policy must be adopted by Council. Therefore, if the Licensing Committee is satisfied with the draft document, it should be recommended to Council for adoption.

**2.3** S.166(1) of the Act states that a Licensing Authority may resolve not to issue Casino Premises Licences. Such a recommendation was made by the Licensing Committee in 2012. Notwithstanding all the Casinos have been allocated by Central Government, S.166(3) of the Act states that this resolution expires after three years and the Council needs formally to re-affirm at this time that a “no-Casino resolution” is still in place. Therefore the Licensing Committee is asked to recommend to Council that it continues to adopt a “no- casino resolution” for inclusion in the published Gambling Act 2005 Licensing Policy Statement.

### **3.0 CONSULTATION**

**3.1** 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.

**3.2** A 12 week consultation was carried out between 13 June and 4 September 2022 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

**3.3** During the consultation period, one consultation response was received as shown in **Appendix C**. The draft document has been updated to show the up-to-date population figure.

### **4.0 ASSOCIATED RISKS**

**4.1** None.

### **5.0 MONITORING**

**5.1** None

**6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES**

**6.1 [Tewkesbury Borough Council plan — Tewkesbury Borough Council](#)**

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**Background Papers:** [Licensing Committee 9 June 2022](#)

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**Appendices:** Appendix A – Tewkesbury Borough Council’s Current Statement of Principles  
Appendix B – Tewkesbury Borough Council’s Draft Statement of Principles  
Appendix C – Consultation response