

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	25 July 2024
Subject:	Review of Tewkesbury Borough Council's Statement of Principles under the Gambling Act 2005
Report of:	Licensing Team Leader
Head of Service/Director:	Director: Communities
Lead Member:	Lead Member for Environmental Services
Number of Appendices:	One

Executive Summary:

Members are asked to recommend the current Statement of Principles to the Council for adoption.

Recommendation:

That it be RECOMMENDED TO COUNCIL that:

- i. the current Statement of Principles under the Gambling Act 2005 be ADOPTED for a further three year period; and**
- ii. the Council AGREE to 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.

Environmental and Sustainability Implications:

None arising directly from this report.

Resource Implications (including impact on equalities):

None arising directly from this report.

Safeguarding Implications:

None arising directly from this report.

Impact on the Customer:

None arising directly from this report.

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 five 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 expires on 30 January 2025.
- 1.5 At present, there have been no amendments to gambling legislation or to the Statutory Guidance published by the Gambling Commission. A revised Guidance to Local Authorities is set to be published in 2025.

2.0 STATEMENT OF PRINCIPLES REVIEW

- 2.1 As there are no fundamental changes it is proposed to 're-adopt' the current Statement of Principles attached at **Appendix A** for a further three-year period (or when the revised Guidance to Local Authorities is published, whichever is earliest).
- 2.2 A full review will be carried out once the revised Statutory Guidance has been published.

3.0 NO CASINO RESOLUTION

3.1 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.

4.0 CONSULTATION

4.1 Section 9 (6.63) of the Guidance to Local Authorities states ‘where the policy statement is reviewed and changes proposed, licensing authorities must consult on any revision’.

4.2 As there are no changes to the current policy, it is proposed that there will be no consultation.

5.0 ASSOCIATED RISKS

5.1 The local authority must review the policy every three years to comply with its statutory obligations.

6.0 MONITORING

6.1 Once adopted, the revised document must be published on the Council’s website and a copy sent to the Gambling Commission.

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 [Tewkesbury Borough Council Plan](#)

Background Papers: [Gambling Commission Guidance to Local Authorities](#)

[Gambling Act 2005](#)

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Appendices: Appendix A – [Current Statement of Principles](#)