

Title: Statutory review of Gambling Policy – Request for public consultation.

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Portfolio Holder: Councillor Jim Sinnott

Wards of the District directly affected: All

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>	02/07/2024	Jim Sinnott
<b>Finance</b>	02/07/2024	Chloe Evans
<b>Legal Services</b>	10/06/2024	Sue Mullins
<b>Chief Executive</b>	02/07/2024	Chris Elliott/Darren Knight
<b>Director of Climate Change</b>	02/07/2024	Dave Barber
<b>Head of Service(s)</b>	02/07/2024	Marianne Rolfe
<b>Section 151 Officer</b>	02/07/2024	Andrew Rollins
<b>Monitoring Officer</b>	02/07/2024	Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Final decision	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	No	
<b>Accessibility Checked?</b>	Yes	

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## Summary

The purpose of this report is to advise Members of the Licensing and Regulatory Committee of the statutory requirement to review the Council's Gambling Policy and to inform them of the proposed schedule for meeting its legal requirements.

## Recommendation(s)

- (1) That Licensing & Regulatory Committee support the proposed Gambling Policy as set out at appendix 1 to the policy for consultations.
  - (2) The Licensing & Regulatory Committee supports the public consultation on the proposed policy taking place between 5<sup>th</sup> August 2024 and 9<sup>th</sup> September 2024.
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## 1 Reasons for the Recommendation

- 1.1 The Licensing Authority is required by the Gambling Act 2005 to review its Gambling Policy/Statement of Principles every three years. WDC adopted its current Gambling Policy in January 2022. A new policy must therefore be revised and adopted no later than January 2025.
- 1.2 There is a statutory requirement that a consultation must take place prior to a new policy being adopted. Following the conclusion of the consultation, a further report will be bought to this committee detailing responses and providing a draft gambling policy for consideration.
- 1.3 The final draft Gambling Policy has to be adopted by Council on recommendation from the Licensing and Regulatory Committee.
- 1.4 It is proposed that a five week consultation process takes place. This will take place between 5<sup>th</sup> August 2024 and 9<sup>th</sup> September 2024 and will include all statutory consultees as listed in the policy. The consultation will also be advertised on the WDC website as well as being promoted by the WDC Media team.
- 1.5 Since the current Gambling Policy took effect, there have been no significant amendments to the provisions of the Gambling Act 2005. Nor, has there been any major changes made to the Gambling Commission's Licence Conditions and Code of Practice (LCCP) that licenced operators must comply with or the Gambling Commissions statutory Guidance to Licensing Authorities (GLA).
- 1.6 However, in April 2023 the Government did publish a White Paper [titled 'High Stakes: Gambling Reform for the Digital Age'](#). The White Paper sets out the Governments plan for reform of gambling regulation, following the review of the Gambling Act 2005 that was first launched in December 2020.
- 1.7 The White Paper contained several proposals for reforming gambling regulation in the following areas:
  - Online protections – players and products
  - Marketing and advertising
  - The Gambling Commission's powers and resources.
  - Dispute resolution and consumer redress

- Children and young adults
- Land-based gambling

1.8 Whilst many of the proposed reforms are not directly relevant to the role that the Council plays in the regulation of gambling activities, there are some proposed changes that are relevant, these include;

- Proposals to relax the rules on the split of low and medium maximum stake machines in certain licenced gambling premises.
- A review of the premises licence fees cap for local authorities.
- Introducing new powers to Local Authorities to conduct cumulative impact assessments for gambling premises.
- Proposes to change the rules that allow under 18's to play Category D gaming machines that pay cash prizes.
- Proposals to make provisions within the Gambling Commissions' code of practice on the siting of gaming machines in licenced premises legally binding.

1.9 At this stage however, it is unclear when the Government will bring forward the required legislation to implement the proposed reforms.

1.10 As the timescales for legislation to be brought forward are unclear at this stage, officers are recommending that no substantive changes are made to the policy at the present time. The proposed changes to the policy are minimal and are designed to reflect the Authority's current approach to the Gambling Regime in terms of the unique character of the district and the application of generic legislation.

1.11 If legislation does change during the lifetime of the adopted Policy the Licensing Authority can review its policy at any point in order to make revisions that may be necessary.

1.12 The proposed draft policy for consultation is attached as Appendix 1 to the report and the changes made from the current policy are listed in Appendix 2 to the report.

## **2. Alternative Options**

2.1 As there is a legal requirement for the licensing authority to review, consult and republish the policy every three years, there are no alternative options to be considered appropriate.

## **3 Legal Implications**

3.1 The Council has a statutory duty to review its Policy. It is important that the policy provides an open and transparent policy regarding the Council's functions under the Gambling Act 2005. This policy forms an essential part of the decision making process for gambling applications.

## **4 Financial Services**

4.1 The costs involved in carrying out the revision and consultation of the draft Gambling Policy will be met from existing budgets.

## **5 Corporate Strategy**

5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation.

- 5.2 Delivering valued, sustainable services – Supporting businesses through the licensing process by helping them to understand their responsibilities, which will enable them to prosper, and positively add to the District’s diverse business offering.
- 5.3 Low cost, low carbon energy across the District.
- 5.4 Creating vibrant, safe and healthy communities of the future. – Having a robust Gambling Policy ensures that vulnerable residents are not exploited and the wider community are protected from harm.

## **6. Environmental/Climate Change Implications**

- 6.1 There are no adverse environmental impacts because of this proposal.

## **7. Analysis of the effects on Equality**

- 7.1 The revised policy will not adversely impact or unlawfully discriminate against any protected characteristics.

## **8 Data Protection**

- 8.1 Any data collected by the consultation will solely be used for the purpose of revising the current policy.

## **9 Health and Wellbeing**

- 9.1 The policy provides guidance on the scope that can be considered in respect of applications that fall under the Gambling Act. The Gambling Act sets out the licensing objectives which are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable people from being harmed or exploited by gambling.

## **10.1 Risk Assessment**

- 10.2 The Council, as the Licensing Authority, is bound to produce a Statement of Principles, as defined in the Gambling Act 2005.
- 10.3 If the Council does not have a policy, it cannot deal with applications received under the Gambling Act. The Policy could be challenged, potentially successfully if it is not lawful. It is therefore important that this is revised and updated periodically.

## **11. Consultation**

The Statutory consultees will be emailed a link to the draft policy, they will be able to make any comments on an online form. The Statutory consultees are listed below;

- Responsible Authorities
- Holders of existing licences, permits and registrations
- Councillors and Parish Councils
- Representatives of persons carrying on gambling businesses in Warwick District
- Local bodies representing consumers and tourism
- Local bodies representing vulnerable persons

- Departments within the Council with an interest in the licensing of gambling

**Background papers:**

None.

**Supporting documents:**

None.