

## **Statutory Licensing Committee**

**29<sup>th</sup> January 2024**

### **Review of the Council's Statement of Gambling Principles**

**Ordinary Decision**



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### **Report of Head of Community Protection Services**

**Alan Patrickson Corporate Director of NCC**

**John Shuttleworth Cabinet Portfolio Member for Neighbourhoods and Local Partnerships**

#### **Electoral division(s) affected:**

Countywide

#### **Purpose of the Report**

- 1 To seek approval to undertake public consultation leading to the production of a revised Statement of Gambling Principles.

#### **Executive Summary**

- 2 The Gambling Act 2005 creates the regulatory regime for the provision of gambling facilities and services. Some of these functions are licensed by the Gambling Commission and some by the local licensing authority.
- 3 The Act requires that local licensing authorities prepare and publish a Statement of Gambling Principles (a 'gambling policy') every three years. Durham adopted its current gambling policy in December 2021 and therefore a new policy must be adopted no later than December 2024.
- 4 There is a statutory requirement that consultation must take place prior to a new policy being adopted and it is proposed that this will take place in the Spring of 2024.
- 5 Following the conclusion of the consultation, a further report will be brought to this committee detailing responses and providing a draft gambling policy for consideration.
- 6 Approval and adoption of the final draft gambling policy is a decision for full Council.

#### **Recommendation**

- 7 That Statutory Licensing Committee approves and authorises the commencement of the statutory consultation process relating to the consideration and adoption of a new gambling policy.

## Background

- 8 The Gambling Act 2005 creates the regulatory regime for the provision of gambling facilities and services. Some of these functions are licensed by the Gambling Commission and some by the local licensing authority.
- 9 As a licensing authority, Durham Council County is responsible for the licensing of betting shops, bingo halls, Adult Gaming Centres and Family Entertainment Centres (i.e. amusement arcades).
- 10 Amongst other things, licensing authorities are required to publish a Statement of Gambling Principles (a gambling policy) every three years. Durham adopted its current gambling policy in December 2021. A new policy must therefore be revised and adopted no later than December 2024.
- 11 The gambling policy fulfils two principal purposes; firstly, it provides advice to businesses and the public on the Council's overall position regarding the Gambling Act 2005. Secondly, it provides a decision-making framework for the Council via its Licensing Committee to exercise its administrative and legal functions under the Act.
- 12 As such the policy must balance the legitimate needs of businesses and demand for leisure and cultural activities alongside the need to protect those adversely affected by activities.
- 13 Failure to achieve the correct balance could lead to a policy being either overly prescriptive or open to challenge or alternatively ineffective in the protection of the public through a failure to promote the licensing objectives effectively.
- 14 The gambling policy seeks to promote the Gambling Act's three licensing objectives:
  - 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; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 15 The Gambling Act requires that all matters relating to the Act must be discharged by a licensing authority's statutory licensing committee except for the final approval and adoption of the licensing policy which must be a decision of full council.
- 16 The Act also requires that prior to a new gambling policy being adopted, it must be subjected to a consultation process that allows for the views of all interested parties to be heard and taken into consideration.

## Consultation

- 17 It is proposed that a 12 week consultation process take place in accordance with the council's standard consultation procedures.
- 18 This will take place in the Spring of 2024 and will include all statutory consultees plus any other individuals, agencies, and organisations that may reasonably be affected by, or have an interest in, the new policy. In addition, notice of the consultation taking place will be advertised in the local press.
- 19 Following the conclusion of the consultation, relevant information, proposals and recommendations will be used together with information from other sources to draft a revised gambling policy which will be brought back to this committee for consideration and recommendation to full council.
- 20 Final approval and adoption of the draft gambling policy must be made by full council.

## Background papers

- Durham County Council's Statement of Gambling Policy
- Gambling Commissions Guidance to licensing authorities – Published 1 April 2021, last updated 11 April 2023

## Other useful documents

- The Gambling Act 2005

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## **Appendix 1: Implications**

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### **Legal Implications**

The statement of Gambling policy must be right. If an appeal concludes it is deficient, Magistrates can declare it illegal. Matters already concluded or ongoing will be lost as the decisions were based on a defective document. Furthermore, a gambling policy can be subject to a judicial review.

### **Finance**

The costs of consultation and publication of the revised policy will be met from existing budgets. The report has no value for money implications.

### **Consultation**

A full public consultation process will be undertaken in respect of the review of this policy. The 3-yearly review of the Gambling Act Policy is subject to Government Guidance which prescribes the statutory consultees who must be included in policy consultation. In addition to the statutory consultees, other relevant local, regional, and national bodies and organisations have been identified and are consulted in relation to policy revision.

### **Equality and Diversity / Public Sector Equality Duty**

An Equality and Diversity Impact Assessment (DIA) was carried out in relation to previous versions of the existing revised policy and a revised EIA will be developed throughout the planning and development stages of the consultation and revision process.

### **Human Rights**

None

### **Crime and Disorder**

The Council's licensing policies form a central part of the control and regulation of the evening and night-time economies. As such, they can be viewed as having a pivotal role in the prevention of crime and disorder.

The effective control of all gambling licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for any gambling related issues or mitigate their effects. This coupled with monitoring and enforcement and the appropriate use of the review process can significantly contribute towards crime reduction and an increase in public reassurance.

### **Staffing**

None

**Accommodation**

None

**Risk**

A failure to review, revise and update the Council's Gambling Act licensing policy would result in the expiry of the existing policy with no replacement. This would result in the Council's inability to properly administer, manage and regulate the GA 2005 licensing process. This would result in unacceptable deficiencies in safeguarding and would expose the public to serious risks. Public safety would be compromised. The council would be open to charges of maladministration and to legal challenges.

The final revised policy once adopted may be subject to challenge and complaint.

**Procurement**

None

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## **Appendix 2: Our current Statement of Statement of Gambling Principles**

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