

Licensing Committee

Date of Meeting: 6 February 2024

Title of Report: Draft Joint Statement of Principles – Gambling Act 2005

Report of: Executive Director - Place

Cabinet Portfolio: Regulatory

Key Decision: No

Confidentiality: Non-Exempt

Purpose of Report

1. To consider the draft Joint Statement of Principles – Gambling Act 2005 and approve it for public consultation.

Recommendation

2. Licensing Committee are recommended to:
 - approve the draft Statement of Principles – Gambling Act 2005 for consultation, and
 - authorise the Executive Director – Place to make any necessary minor alterations and typographical corrections to the policy prior to consultation.

Background

3. The Councils' Joint Statement of Principles – Gambling Act 2005 (also known as the Gambling Policy) expires in October 2024. The Gambling Act 2005 (the Act) under the requirements of Section 349(1) requires the Licensing Authority to prepare and publish a new three-year Statement of Licensing Principles which is due to be effective from the 1 October 2024.
4. Section 349(2) requires the Council to review its Statement of Principles for Gambling under this section from time to time. If it is deemed necessary considering a review to revise the Statement and publish any revision before giving it effect.
5. This will be a shared Policy with Basingstoke and Deane Borough Council once it has been adopted by their Licensing Committee in July 2024.

Main issues

6. In April 2023 there were several updates to the Gambling Act 2005 of which many of the changes were to make the Act more consistent, changing local authorities to licensing authorities through the Act.
7. There were several changes that relate to online gambling and the responsibilities of those holding an operator's licence. These are areas controlled and managed by the gambling commission for which the Licensing Committee have no responsibility for, or power to amend.
8. These changes in national gambling regulation and policy do not require any amendments to the Statement of Gambling Policy presented to this Committee.
9. It is proposed that the policy attached to this report will be consulted upon from the 12 February 2024 for a period of 8 weeks.
10. All current licence holders and the responsible authorities will be emailed a copy of the consultation.
11. The consultation will also be available on the Council's website.

12. The requirements for the placing of notices and making the draft Statement available as described will meet the requirements of the Act and the relevant Regulations.
13. Following that consultation, and after reviewing any responses to the consultation, the definitive version will be presented to the Licensing Committee in July 2024 for approval.

Alternative Options Considered and Rejected

14. By not reviewing policy and adopting a new policy the Council will not be complying with the Gambling Act 2005.

Corporate Governance Considerations

Relevance to Corporate Plan

15. The Hart Corporate Plan 2023-2027 has three focus areas:
 - Planet - make all areas directly under the control of the Council carbon neutral by 2035 and make Hart a carbon neutral district by 2040,
 - People – fair treatment for all, help for those in need, and a sustainable economy that makes Hart a great place to live, work and enjoy, and
 - Place - delivering warmer, better homes in sustainable locations that people can afford to live in.
16. This will be underpinned by providing a resilient and financially sound Council.

Service Plan

- Is the proposal identified in the Service Plan? No
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal?
Yes

Legal and Constitutional Issues

17. The Council is required to review this Policy every 3-years. This ensures that the Licensing Authority continues to meet its obligation under section 349(1) of the Gambling Act 2005.
18. Section 349(1) of the Gambling Act 2005 requires the council, as licensing authority, to prepare a statement of the principles they propose to apply in exercising their functions under the Act during that three-year period and to publish that statement.
19. When preparing and publishing a statement of principles under the Gambling Act 2005, the licensing authority must have regard to the Statutory Guidance 'Gambling Commission: Guidance to Licensing Authorities'.

Financial and Resource Implications

20. There are no financial implications identified within this report.

Risk Management

21. There are no risk management implications identified within this report.

Equalities

22. When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.
23. There are no equality implications arising from the recommendations.

Climate Change Implications

24. There are no climate change implications arising from the recommendations.

Action

25. If the Licensing Committee approve the recommendation, the draft Statement of Principles – Gambling Act 2005 Policy will be consulted upon for a period of 8 weeks.
26. The policy will return to Licensing Committee in July 2023 following Consultation for adoption.

Appendices

Appendix A – Draft Statement of Principles – Gambling Act 2005 Policy