



**Committee and Date**

Strategic Licensing Committee

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Item

Public



# Consultation on the Gambling Act 2005 Policy Statement 2025 to 2028

**Responsible Officer:**

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**Cabinet Member (Portfolio Holder):**

Councillor Chris Schofield, Portfolio Holder for Planning and Regulatory Services

## 1. Synopsis

- 1.1 The Gambling Act 2005 (the Act) requires the Council to prepare and publish a statement of the principles (policy statement) that it proposes to apply in exercising its functions under the Act. The policy statement under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time.

## 2. Executive Summary

- 2.1. The Shropshire Plan recognises the importance of supporting businesses to provide safer services. The fundamental purpose of the Licensing service is to support businesses to deliver their services in a way which both allows them to thrive whilst protecting the safety and welfare of the public who live, work and visit Shropshire; together this will help to achieve a Healthy Economy.

2.2 This report sets out the proposed Gambling Act 2005 Policy for 2025 to 2028 upon which the Council proposes to consult.

### 3. Recommendations

3.1. That the revised draft Gambling Act Policy Statement as agreed by the Committee and set out at **Appendix A** be approved for consultation.

## Report

### 4. Risk Assessment and Opportunities Appraisal

4.1. The preparation and publishing of the policy statement is a legal requirement under the Act.

4.2. If the Council fails to prepare and publish the policy statement the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review. Conversely, by preparing and publishing the policy statement, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise its functions.

4.3. Due regard has been given to the public sector equality duty in accordance with the Equality Act 2010. As part of this process social inclusion has also been considered in line with the Council's overall approach to equality and diversity. An initial Equality, Social Inclusion and Health Impact Assessment (ESHIA) has been completed and is produced at **Appendix B**.

4.4. The overall impact on all groups with protected characteristics and those who are likely to be impacted in terms of social inclusion is anticipated to be low in terms of access to and use of services that are affected by the revised policy statement. However, the Council's ability to further tackle and eliminate discrimination, advance equality of opportunity and foster good relations is overall more likely to be positive. This is largely due to the proposed policy statement being drawn up in line with the requirements of both national legislation and national guidance (both of which will have been subject to equalities impact assessments in their own right by the Government and the Gambling Commission respectively), together with the fact that the proposed policy statement is a revision of the principles that were adopted on 31 January 2022 and the formal consultation feedback at that time did not directly raise any equality, diversity or social inclusion issues that had not previously been considered during the drafting of the proposed policy statement.

4.5 The ESHIA screening carried out in 2021/2022 has been updated only to clarify the groupings for whom there will be anticipated direct impacts, and with whom there will continue to be efforts made to ensure that impacts are kept under review, remain as follows: Age, in relation to children and young people; and Disability, in relation to vulnerable adults. In this respect, the revised draft policy statement emphasises the Council's focus on protecting children and young people,

particularly in relation to child exploitation, and also young people and adults with care and support needs.

- 4.6 From a good practice angle, we have also given consideration to impacts for those individuals and households whom we may describe as vulnerable, within the additional grouping we term 'social inclusion'. This includes armed forces service personnel and ex-armed forces personnel. It continues to be the case that, across all nine national Protected Characteristic groupings and this tenth grouping in Shropshire, based on feedback from the previous formal consultation, the impact is predicted to be 'low positive'. The impact in reality continues to be anticipated as being neutral – neither positive nor negative – with no anticipated need to take specific actions to mitigate or enhance the impact.
- 4.7 Ongoing consideration will be given to the definition of 'vulnerable', as it relates specifically to gambling, through working with the Council's Feedback and Insight Team and taking account of the outcomes of the Local Government Association supported research, being led by Westminster and Manchester Councils, which aims to assess and map area vulnerability to gambling related harm. As and when the outcomes of this research are made available, together with other emerging information, trends and risks, the Council will have to consider the implications for the definition of 'vulnerable' and also the impact on its 'local area profile' and policy statement accordingly.
- 4.8 The recommendation is not a variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications. The recommendation is in line with relevant legal procedures prescribed by the Act and with guidance issued by the Gambling Commission.
- 4.9 The Act requires the Council to consult. The report's recommendation is specifically aimed at providing the Committee with the wherewithal to set the formal consultation process in motion. It is anticipated that the consultation will be undertaken over a 12-week period from 18 March 2024 to the 9 June 2024.

## 5. Financial Implications

- 5.1. There are no direct financial implications associated with the recommendation in this report; although prior to the policy statement formally taking effect, a cost will be incurred to place the required legal notice in the Shropshire Star newspaper in order to satisfy the requirement to advertise the fact that the policy statement has been published. This cost will be approximately £900 and is recoverable through the licensing fee process.

## 6. Climate Change Appraisal

- 6.1. There is no anticipated environmental impact associated with the recommendation in this report.

## 7. Background

- 7.1. Under the Gambling Act 2005, the Council is the licensing authority and is responsible for licensing and overseeing local gambling establishments. Part of this responsibility is the duty to prepare and publish a statement of the principles (policy statement) that the Council proposes to apply in exercising its functions under the Act.
- 7.2. The Council's current Gambling Act policy statement came into effect on the 31 January 2022 and will cease to have effect on the 30 January 2025. The timetable to undertake the necessary legal process has been set accordingly.
- 7.3. There are legally prescribed procedures that the Council must follow before the policy statement can take effect. This involves making the statement publicly available by a variety of means for at least 4 weeks and by advertising that it has been published.
- 7.4. The policy statement must be adopted by full Council; this function cannot be delegated to either the Strategic Licensing Committee or Cabinet. The proposed statement must, therefore, be presented to Council no later than the 12 December 2024, to allow sufficient time for the necessary publication and advertising to take place prior to the 31 January 2025.
- 7.5. Officers have taken the opportunity to revise the policy statement to reflect the latest guidance issued to licensing authorities by the Gambling Commission. In particular:
  - a) It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the revised policy statement emphasises the Council's focus on protecting children and young people, particularly in relation to child exploitation, and also young people and adults with care and support needs.
  - b) The Gambling Commission has emphasised the need to incorporate the work of Public Health colleagues to further support the greater need to identify areas of concern and focus on gambling related harm. An initial informal consultation has been undertaken with Shropshire Councils Public Health Team and there is commitment from Public Health colleagues to provide their findings during the formal consultation period.
  - c) Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Whilst not compulsory, it is now recommended that the Council creates a 'local area profile', this is included as part of the policy statement, to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. Since April 2016, gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'. The Council's 'local area profile' will naturally develop over time and will be influenced by information and intelligence from key partners and other stakeholders.

7.6. The Gambling Act singles out children, young persons and adults with care and support needs for special regulatory attention and the proposed policy statement does focus on protecting these particular groups. However, in relation to gambling activities, the question as to who is vulnerable, why and under what circumstances, has been subject to little investigation. As and when further research and guidance is made available on this, together with other emerging information, trends and risks, the Council will have to consider the implications for both its 'local area profile' and policy statement accordingly.

## 8) Additional Information

8.1 Unless there are specific reasons for an earlier review and publication of a revised policy statement, the Council will be required to undertake the next formal consultation process under the Act in the latter part of 2027 with the aim of a revised policy statement being effective from 31 January 2028.

### **List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

The Gambling Act 2005 (2005 Chapter 19)

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636)

Shropshire Council's Gambling Policy Statement (effective 31 January 2019)  
(<https://shropshire.gov.uk/media/12775/gambling-act-2005-policy-statement-2019-to-2022-final.pdf>)

Shropshire Council's Gambling Policy Statement (effective 31 January 2022)  
[gambling-act-2005-policy-statement-2022-to-2025.pdf](https://shropshire.gov.uk/media/12775/gambling-act-2005-policy-statement-2022-to-2025.pdf) ([shropshire.gov.uk](https://shropshire.gov.uk))

Guidance to Licensing Authorities published by the Gambling Commission  
(<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>)

Statement of gambling licensing policy – A Councillors Guide, March 2018 published by the Gambling Commission

(<https://www.gamblingcommission.gov.uk/PDF/quick-guides/Councillors-guide.pdf>)

Gambling Regulation Councillor Handbook (England and Wales) June 2015 published by the Local Government Association (<https://www.local.gov.uk/sites/default/files/documents/L15-230%20Councillor%20handbook%20-%20gambling%20regulation%20FINAL.pdf>)

Gambling Regulation Councillor Handbook (England and Wales) Updated Guidance 2018 published by the Local Government Association

([https://www.local.gov.uk/sites/default/files/documents/10.18%20Gambling%20regulation%20Councillor%20handbook\\_v06\\_WEB\\_1.pdf](https://www.local.gov.uk/sites/default/files/documents/10.18%20Gambling%20regulation%20Councillor%20handbook_v06_WEB_1.pdf))

Gambling Commission Strategy 2018 – 2021: Making Gambling Fairer and Safer  
(<http://www.gamblingcommission.gov.uk/PDF/Strategy-2018-2021.pdf>)

Updated Gambling Commission Guidance April 2021  
<https://beta.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

**Local Member:** This report covers all areas of Shropshire.

### **Appendices**

**Appendix A** - Draft Gambling Act 2005 Policy Statement 2025 - 2028 (Consultation Version)

**Appendix B** – Equality, Social Inclusion and Health Impact Assessment (ESHIA)