



<u>Committee and Date</u>
Cabinet
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<u>Item</u>
<u>Public</u>

Gambling Act 2005 Policy Statement 2022 to 2025

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1. Synopsis

The approval and adoption of the Council's Gambling Act 2005 Policy Statement for 2022 to 2025 in accordance with the statutory responsibilities placed on the Council by the Gambling Act 2005.

2. Executive Summary

- 2.1. The Gambling Act 2005 ('the Act') requires the Council to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the Act ('policy statement').
- 2.2. 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.
- 2.3. The Council's Strategic Licensing Committee has agreed the proposed policy statement and recommends that it is approved by Cabinet.

3. Recommendations

- 3.1. That Cabinet agrees the proposed Gambling Act 2005 Policy Statement 2022 to 2025 as set out in Appendix 1 and delegates authority to the Head of Business and Consumer Protection to publish the policy statement and to advertise it in accordance with the provisions of the Gambling Act 2005.
- 3.2. That Cabinet agrees that the Gambling Act 2005 Policy Statement 2022 to 2025 will be adopted with effect from 31 January 2022.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. The preparation and publishing of the policy statement is a legal requirement under the Gambling Act 2005 ('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 and Social Care 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. The development of the policy statement was overseen by the Council's Strategic Licensing Committee and considered on the 9 July 2021 and 6 October 2021. The relevant reports and associated appendices can be found on the Council's website at:
 - Agenda Item 6 of the July 2021 meeting [Agenda for Strategic Licensing Committee on Friday, 9th July, 2021, 2.00 pm – Shropshire Council](#)
 - Agenda Item 5 of the October 2021 meeting [Agenda for Strategic Licensing Committee on Wednesday, 6th October, 2021, 10.00 am – Shropshire Council](#)
- 4.4. The Strategic Licensing Committee agreed the recommendations as set out in both the reports referred to in paragraph 4.3 above, i.e. the Committee agreed an initial draft of the policy statement to go out to consultation and then considered the consultation feedback and agreed the final draft of the policy statement that is now presented to Cabinet for final approval and adoption.
- 4.5. The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with relevant legal procedures prescribed by the Act and with guidance issued by the Gambling Commission.
- 4.6. The policy statement does not breach any individual or group's human rights; it sets out processes and procedures that aim to protect human rights, in particular those rights that relate to a right to a fair trial, no punishment without law and right to respect for

private and family life. If the policy statement were not followed, there is a risk that human rights may be breached.

- 4.7. The Act requires the Council to consult when preparing its policy statement and this has been undertaken with relevant stakeholders. A full list of consultees is included as part of the policy statement (see pages 81 and 82 of **Appendix 1**).
- 4.8. Formal consultation was undertaken over a ten-week period between 12 July 2021 and 19 September 2021. Five formal responses were received as part of the consultation and these, together with officer comments, including any changes made to the policy statement and, where relevant, the reasons why changes have not been made, are available within the Strategic Licensing Committee reports referred to in paragraph 4.3 above.
- 4.9. It can be noted from the officer comments to the consultation responses that the majority of responses referred to matters that were either adequately addressed within the policy statement or related to legal requirements that the Council has no power to amend. The amendments that were made to the policy statement clarify the way in which operators are expected to identify risks and put in place measures to sufficiently mitigate these risks and also to remove specific references to concerns about the impact of fixed odds betting terminals (FOBT) due to positive changes that were implemented at a national level in April 2019.
- 4.10. No feedback was received regarding Equality and Social Inclusion Impact issues for Protected Characteristic groupings during the consultation. Consequently, the Equality and Social Inclusion Impact Assessment (ESIIA) has been updated only to clarify the specific consultation period. The ESIIA document can be found at **Appendix 2**. The groupings for whom there will be direct impacts, and with whom there will continue to be efforts made to ensure that impacts are kept under review, as:
- Age, in relation to children and young people;
 - Disability, in relation to vulnerable adults; and
 - Social Inclusion, in relation to the above and to those whom we may describe as vulnerable, including armed forces and ex-armed forces service personnel.
- 4.11. It continues to be the case that, across all nine national Protected Characteristic groupings and our tenth grouping in Shropshire of social inclusion, based on feedback from the formal consultation, the impact is predicted to be 'low positive'. The impact in reality is anticipated as being neutral – neither positive nor negative – with no anticipated need to take specific actions to mitigate or enhance the impact.

5. Financial Implications

- 5.1. Whilst there are costs incurred in terms of staff resources and the associated and necessary overheads to develop the policy statement, the only direct financial cost associated with the recommendations is the cost that 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 £500 and is recoverable over subsequent years through relevant licensing fees and in the first year will be funded from existing budgets.

6. Climate Change Appraisal

- 6.1. There are no anticipated climate change or other environmental impacts associated with the recommendations in this report.

7. Health in All Policies

- 7.1. Reducing gambling related harm to residents is addressed in both the Gambling Act 2005 Policy Statement 2022 to 2025 and the ESIIA Gambling Act Policy Statement 2022 to 2025.

8. Background

- 8.1. 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 that the Council proposes to apply in exercising its functions under the Act.
- 8.2. The Council's current Gambling Act 2005 Policy Statement came into effect on the 31 January 2019 and will cease to have effect on the 30 January 2022. The Council must be in a position to formally adopt a revised policy statement with effect from 31 January 2022.
- 8.3. 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.
- 8.4. The policy statement must be approved by Cabinet. To allow sufficient time for the necessary publication and advertising to take place prior to the 31 January 2022, the approval process must be completed by the end of December 2021.
- 8.5. The formal consultation was publicised through the 'Get Involved' pages of the Council's website. In addition, direct emails, providing a link to the Council's web page consultation, were sent to key

stakeholders. Part 5 of the policy statement includes a list of the stakeholders that were consulted.

9. Additional Information

- 9.1. 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 consultation process under the Act in the latter part of 2024 with the aim of a revised policy statement being effective from an agreed date in 2025.

10. Conclusions

- 10.1. The required work has been undertaken to prepare the Council's Gambling Act 2005 Policy Statement for 2022 to 2025 in accordance with the provisions of the Gambling Act 2005 and it is now ready for approval and adoption by Cabinet.

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), as amended
- The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636)
- Shropshire Council's Gambling Act 2005 Policy Statement 2019 – 2022 (effective 31 January 2019) ([gambling-act-2005-policy-statement-2019-to-2022.pdf \(shropshire.gov.uk\)](#))
- Guidance to Licensing Authorities published by the Gambling Commission April 2021 ([Guidance to licensing authorities - Gambling Commission](#))
- Gambling Regulation Councillor Handbook (England and Wales) published by the Local Government Association March 2018 ([Gambling regulation: Councillor handbook \(England and Wales\) \(local.gov.uk\)](#))
- Tackling gambling related harm - A whole council approach published by the Local Government Association and Public Health England November 2018 ([Tackling gambling related harm a whole council approach \(local.gov.uk\)](#))

Cabinet Member (Portfolio Holder)

Councillor Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

Local Member

The recommendations have county wide application.

Appendices

Appendix 1 - Gambling Act 2005 Policy Statement 2022 – 2025

Appendix 2 – ESIIA Gambling Act Policy Statement 2022 - 2025