



**Committee and Date**  
**Council**  
**12 December 2024**

Item

Public



# Gambling Act 2005 Policy Statement 2025 to 2028

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<b>Cabinet Member (Portfolio Holder):</b>	Councillor Chris Schofield, Portfolio Holder for Planning and Regulatory Services		

## 1. Synopsis

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.

This report provides for the approval and adoption of the Council’s Gambling Act 2005 Policy Statement for 2025 to 2028 in accordance with the statutory responsibilities placed on the Council by the Gambling Act 2005.

## 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 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’).

- 2.3 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.
- 2.4 The Council's Strategic Licensing Committee has agreed the proposed policy statement and recommends that it is approved by Council.

### 3. Recommendations

- 3.1. That Council agrees the proposed Gambling Act 2005 Policy Statement 2025 to 2028 as set out in **Appendix 1** will be adopted with effect from 31 January 2025 and delegates authority to the Transactional Management and Licensing Team Manager to publish the policy statement and to advertise it in accordance with the provisions of the Gambling Act 2005.

## 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 13 March 2024 and the 5 October 2024. The relevant reports and associated appendices can be found on the Council's website at:
  - Agenda item 27 of the March 2024 meeting [Agenda for Strategic Licensing Committee on Wednesday, 13th March, 2024, 10.00 am — Shropshire Council](#)
  - Agenda item 5 of the October 2024 meeting [Agenda for Strategic Licensing Committee on Wednesday, 9th October, 2024, 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 Council for final approval and adoption.

- 4.5. The recommendations are not at variance with the Human Rights Act 1998 and is 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 to 83 of **Appendix 1**).
- 4.8. Formal consultation was undertaken between 18 March 2024 to the 9 June 2024 which provided, in particular, an opportunity for gambling industry representatives to provide feedback. Three 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. No fundamental or significant amendments were made as a result of the responses received as the majority of comments referred to matters that were adequately addressed within the policy statement.
- 4.10. No feedback was received regarding Equality and Social Inclusion Impact issues for Protected Characteristic groupings during the consultation. Consequently, the Equality, Social Inclusion and Health Impact Assessment (ESHIA) has been updated only to clarify the specific consultation period. The ESHIA document can be found at **Appendix 2**.
- 4.11. The overall impact on all groups with Protected Characteristics as defined in the Equality Act 2010 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.
- 4.12. The ESHIA screenings build upon previous ESHIAs and have been updated 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. Across all nine national Protected Characteristic groupings and our considerations in Shropshire around social inclusion, based on feedback from the formal consultation, the impact is predicted to be 'low positive'. It is not anticipated that there is a need to take specific actions to mitigate or enhance the impact, beyond continued engagement with all those working with or on behalf of vulnerable children, young people and adults. The assessment seeks to take into account children and young people who are or were looked after by Shropshire Council and the families of children in need when considering the Protected Characteristic grouping of Age and our additional grouping of young people leaving care. The impacts have also been considered for adults with care and support needs, e.g. adults with learning disabilities and their carers, and e.g. neurodiverse individuals who may present with vulnerabilities, when considering the Protected Characteristic grouping of Disability. 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 young people and adults with what may be a range of care and support needs.

- 4.13. 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 and their families.
- 4.14. 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.
- 4.15. With respect to 'age' and 'disability' and to 'social inclusion', in particular around the Council's safeguarding responsibilities, there will be ongoing dialogue with the Shropshire Safeguarding Children Board and the Keeping Adults Safe in Shropshire Board. In addition, dialogue with West Mercia Police and those service areas within the Council that have particular responsibilities for the care of children, young people and adults with care and support needs, i.e. currently Children Services and Adult Services, will occur as a result of the increasing role that officers from these services play in the licensing processes.

## 5. Financial Implications

- 5.1. Shropshire Council is currently managing an unprecedented financial position as budgeted for within the Medium Term Financial Strategy approved by Council on 29 February 2024 and detailed in our monitoring position presented to Cabinet on a monthly basis. This demonstrates that significant management action is required over the remainder of the financial year to ensure the Council's financial survival. While all Cabinet Reports provide the financial implications of decisions being taken, this may change as officers review the overall financial situation and

make decisions aligned to financial survivability. Where non-essential spend is identified within the Council, this will be reduced. This may involve

- scaling down initiatives,
- changing the scope,
- delaying implementation, or
- extending delivery timescales.

5.2. 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 £900 and is recoverable over subsequent years through relevant licensing fees.

## 6. Climate Change Appraisal

6.1. There are no anticipated climate change or other environmental impacts associated with the recommendations 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 that the Council proposes to apply in exercising its functions under the Act.

7.2. The Council's current Gambling Act 2005 Policy Statement came into effect on the 31 January 2022 and will cease to have effect on the 30 January 2025. The Council must be in a position to formally adopt a revised policy statement with effect from 31 January 2025.

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 approved by Council. To allow sufficient time for the necessary publication and advertising to take place prior to the 31 January 2025, the approval process must be completed by the end of December 2024.

7.5. 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.

## 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 consultation process under the Act in 2027 with the aim of a revised policy statement being effective from 31 January 2028.

## 9. Conclusions

9.1. The required work has been undertaken to prepare the Council's Gambling Act 2005 Policy Statement for 2025 to 2028 in accordance with the provisions of the Gambling Act 2005 and it is now ready for approval and adoption by Council.

### 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 Council's Gambling Act 2005 Policy Statement 2022 – 2025 (effective 31 January 2022) ([gambling-act-2005-policy-statement-2022-to-2025.pdf](#))
- Guidance to Licensing Authorities published by the Gambling Commission April 2021 ([Guidance to licensing authorities](#))
- Gambling Regulation Councillor Handbook (England and Wales) published by the Local Government Association March 2018 ([Gambling regulation: Councillor handbook \(England and Wales\)](#))
- 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](#))
- 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 and the recommendations have county wide application.

**Appendices** [Please list the titles of Appendices]

**Appendix 1 – Gambling Act Policy Statement 2025 to 2028**

**Appendix 2 - Equality, Social Inclusion and Health Impact Assessment (ESHIA)**

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