
Gambling Act 2005– Review of Policy

Licensing and Public Safety Committee

Decision to be taken by: Licensing and Public Safety
Committee

Decision to be taken on/Date of meeting: 30/04/2024

Lead director/officer: Sean Atterbury, Director of
Neighbourhood and Environmental Services

Useful information

- Ward(s) affected: All
- Report author: Deborah Bragg Licensing Manager (Policy and Applications)
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- Report version number: 1

1 Summary

- 1.1 The Gambling Act 2005 came into effect in 2007. As Licensing Authority, Leicester City Council is required to publish its Gambling Policy for 2025-2028 no later than 3 January 2025 (4 weeks before the new policy takes effect).
- 1.2 The current policy has not caused any problems since it came into effect in February 2022 however slight amendments have been made to reflect address changes for the Licensing Authority and a new section has been included to include information from the Public Health Team and their findings in their recent 'Gambling Harms Needs Assessment'. Applicants are asked to take this into account when submitting their applications.
- 1.3 The Gambling Commission are in the process of updating their 'Guidance issued to Local Authorities' as a result of the recommendations made as part of their submission to the Government and the publication of the white paper 'High Stakes: Gambling reform for the Digital Age' - [High Stakes: Gambling Reform for the Digital Age \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- 1.4 The Gambling Commission Bulletin issued to Local Authorities in December 2023 stated 'Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement.

Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025. Thereafter we will publish a revised GLA which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale.'

- 1.5 The purpose of this report is to receive any comments on the policy document before it goes to the Deputy City Mayor on 30 May 2024 and then out to public consultation.
- 1.6 The policy will then be brought back to a further meeting of the Licensing and Public Safety Committee for members information, then to back to the Deputy City Mayor, City Mayor and Full Council for ratification in time for it to be published in January 2025.

2 Determination to be made

- 2.1 Members are asked to note the contents of the report and comment on the policy before it goes out to public consultation.

3 Scrutiny/Stakeholder Engagement

3.1 In accordance with the Gambling Act 2005 , consultation will take place with:-

- The Chief Officer of Police
- Representatives of the gambling trade;
- Representatives of people who may be affected by the Gambling Policy

The consultation will also be available on the Council's website for a period of 6 weeks.

4 Detailed report

4.1 Leicester City Councils current policy is valid until 31 January 2025 and is now due for review and be consulted on in time to be approved by Full Council and adopted one month before the policy expires i.e 1 February 2025.

4.2 The current policy has not caused any problems since it came into effect in February 2022 however slight amendments have been made to reflect address changes for the Licensing Authority and a new section has been included to include information from the Public Health Team and their findings in their recent 'Gambling Harms Needs Assessment'. Applicants are asked to take this into account when submitting their applications. The draft policy is attached at Appendix A.

4.3 Our Public Health colleagues, although not a prescribed Responsible Authority have a role to play in the licensing of gambling premises. The Local Government Association (LGA) in conjunction with Public Health England published [Tackling gambling related harm a whole council approach \(local.gov.uk\)](https://www.local.gov.uk/gambling-related-harm-a-whole-council-approach)

4.4 It encourages Public Health to be more proactive in the licensing process as problem gambling has been identified as a public health issue.

4.5 The Government white paper [High Stakes: Gambling Reform for the Digital Age \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/90444/high-stakes-gambling-reform-for-the-digital-age) and recommendations contained within it, require changes to primary legislation in some cases but also changes to the guidance issued to Licensing Authorities by the Gambling Commission. Those changes have yet to be made and are likely to be made after the new policy takes effect.

4.6 Any changes to the policy that are required as a result of the guidance being updated will be made and the consultation/implementation process undertaken at that time.

4.7 Once the consultation has ended the policy (including any amendments) will be brought back to Licensing and Public Safety Committee, then Deputy City Mayor, City Mayor and then Full Council for approval and publication in January 2025.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

There are no financial implications arising from this report.

Stuart McAvoy – Head of Finance

5.2 Legal implications

Licensing authorities are required to pursue the licensing objectives detailed in section 1 of the Gambling Act 2005, namely the objectives of – (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, (b) ensuring that gambling is conducted in a fair and open way, and (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

Section 349 of the Act provides:

(1) A licensing authority shall before each successive period of three years –
(a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
(b) publish the statement.

(2) A licensing authority shall –
(a) review their statement under this section from time to time,
(b) if they think it necessary in the light of a review, revise the statement, and
(c) publish any revision before giving it effect.

(3) In preparing a statement or revision under this section a licensing authority shall consult–

(a) either–
(i) in England and Wales, the chief officer of police for the authority's area, or
(ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,

(b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
(c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

John Moss, Solicitor - 373010

5.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

In order to assess the likely impact of the policy on persons living, visiting and working within the city and demonstrate that the consideration of equalities impacts has been taken into account in the development of the proposal and as an integral part of the decision making process, it is recommended that an Equalities Impact Assessment is undertaken.

The Equality Impact Assessment is an iterative document which should be revisited throughout the decision making process and should, ultimately, also take into account any consultation findings. The findings of the Equality Impact Assessment should be shared, throughout the process, with decision makers in order to inform their considerations and decision making. It is important that the consultation process is fair, accessible and proportionate.

Equalities officer, Surinder Singh, Ext 37 4148

5.4 Climate Emergency implications

There are no significant climate emergency implications directly associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None.

6. Background information and other papers:

None.

7. Summary of appendices:

Appendix A – Draft Gambling Policy

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”? If so, why?

No