
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: 03/09/2024

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 purpose of this report is to seek the Committee's views on the Councils' Gambling Policy for the coming three years, prior to it being taken to Full Council on 21 November 2024 for approval.

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 to Full Council on 21st November 2024 for approval.

3 Scrutiny/Stakeholder Engagement

- 3.1 In accordance with the Gambling Act 2005 , consultation has taken place with:-
 - The Chief Officer of Police
 - Representatives of the gambling trade;
 - Representatives of people who may be affected by the Gambling Policy
- 3.2 The consultation was available online via the Councils' Consultation Hub a link for which was circulated by email and post to all existing licence holders and stakeholders including industry representatives.
- 3.3 The consultation took place between 12th July 2024 and 18th August 2024.
- 3.4 We received 23 responses to the consultation and a copy of the responses received are attached at Appendix A to the report.

4 Detailed report

- 4.1 Leicester City Council's current policy is valid until 31 January 2025.

Gambling Policy for 2025-2028

4.2 Slight amendments have been made to the previous policy to reflect address changes within the Licensing Authority, and a new section has been included to include information from the Public Health Team and the findings in their recent 'Gambling Harms Needs Assessment'. Applicants are asked to take this into account when submitting their applications. The draft policy that went out to consultation is attached at Appendix B. This is the policy being put forward for approval to Full Council.

4.3 No respondents to the consultation have suggested any further changes to the policy. There are positive comments regarding the inclusion of the section on Public Health in the policy:-

'Good to have this in depth assessment to inform future risk assessing.'

'Good to see changes made to recognise potential "harm that could be caused by gambling in certain people'

4.4 A direct response to the consultation has been received from Gosschalks Solicitors on behalf of the Betting and Gaming Council. This is attached at Appendix C to the report. In their submission, which is quite detailed about the work they do, they have specifically mentioned Section 6 of the new policy and stated as follows:-

'The new Section 6 in Part A should be removed or, at least, redrafted as the information contained therein is inaccurate and potentially therefore prejudicial to any applicant. The section takes the accepted NHS Health Survey figure that problem gambling rates among adults is 0.4% and applies this to the entire population of Leicester.'

The figure for Leicester's population is given as 368,600 but this is the entire (not adult) population. The council's own figures state that there are around 55,000 children attending primary or secondary school in Leicester and on top of that number, there are pre-school and nursery children and those over 16 but under 18 in employment. The extrapolated figures given therefore, cannot be correct and without any accurate figures with regard to the population of those under 18, all of the extrapolated figures should be removed'

4.5 The information contained with Section 6 has been taken directly from the Public Health Teams document 'Leicester City Gambling Harms Needs Assessment Executive Summary'. A link to the full document will be included within the final policy so that applicants can see the whole report and in particular the age profile of the City. It is recommended the comments be noted and when the Gambling Commission come forward with changes to their guidance to Local Authorities that this part is reviewed again.

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 for 2025-2028

Appendix B – Responses to Consultation

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