
Gambling Policy 2025-2028

Decision to be taken by: Council

Decision to be taken on/Date of meeting: 21 November
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 Council is required to publish its statement of gambling policy at least four weeks before it takes effect.
- 1.2 The current statement of gambling policy expires on 31 January 2025.
- 1.3 Consultation has taken place with relevant stakeholders and approval for the new policy will be sought at full Council on 21 November 2024.

2. Recommended actions/decision

- 2.1 Council is asked to approve the statement of gambling policy for 2025-2028.

3. Scrutiny / stakeholder engagement

- 3.1 In accordance with the Gambling Act, 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 Holders of existing gambling permissions have also been contacted directly. The consultation has been available on the Council's website between 12th July 2024 and 18th August 2024.

4. Background and options with supporting evidence

- 4.1 The Gambling Act 2005 came into effect in 2007. As Licensing Authority, Leicester City Council is required to publish its Gambling Policy for 2025-28 no later than 3 January 2025 (4 weeks before the new policy takes effect).
- 4.2 In exercising its functions under the 2005 Act, section 153 states that the licensing authority shall aim to permit the use of premises for gambling insofar as the authority thinks it:
 - a) in accordance with any relevant code of practice under s.24;
 - b) in accordance with any relevant guidance issued by the Commission under s.2;
 - c) reasonably consistent with the licensing objectives (subject to a and b above);

d) in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).

- 4.3 The current policy (2022-25) 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.
- 4.4 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).
- 4.5 It encourages Public Health to be more proactive in the licensing process as problem gambling has been identified as a public health issue.
- 4.6 The Government White Paper High Stakes: Gambling Reform for the Digital Age (publishing.service.gov.uk) 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.
- 4.7 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.
- 4.8 In view of the minimal changes it was appropriate to carry out a light touch consultation, referencing the amendments and asking for comments on the proposed policy.
- 4.9 The Gambling Act 2005 states that the licensing authority must consult the following before determining its statement of gambling policy:
- The Chief Officer of Police;
 - Representatives of the gambling trade;
 - Representatives of people who may be affected by the Gambling Policy.
- 4.9 Consultation has taken place with the above parties and also with other relevant stakeholders such as councillors and charities/services for people adversely affected by gambling. The consultation was available on the Council's website between 12th July 2024 and 18th August 2024.
- 4.10 The consultation responses are attached at Appendix A.
- 4.11 A direct response to the consultation was received from Gosschalks Solicitors on behalf of the Betting and Gaming Council. This is attached at Appendix B 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'

- 4.12 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.
- 4.13 The draft policy and consultation responses were considered by the Licensing and Public Safety Committee on 3 September 2024. The Committee proposed no other changes to the draft policy. The proposed policy is attached at Appendix C.
- 4.14 Licensing authorities have a duty to aim to permit gambling as set out in paragraph 4.2 above. In determining an application for a gambling licence it is not for a licensing authority to have a view on any impact gambling may have on individuals or communities.
- 4.15 Licensed gambling establishments must comply with the law and with relevant codes of practice issued by the Gambling Commission, including age restrictions and the provision of signposting to organisations offering support.
- 4.16 Once approved by full Council the policy must be published at least 4 weeks before it takes effect on 1 February 2025.

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

5.1 Financial implications

Premises licence fees are set based on the type of premises, with a prescribed maximum fee for each type. Licensing authorities are able to set licence fees so as to ensure full cost recovery, subject to these caps. Over the life of the policy being proposed in this report, fees will be subject to periodic review to ensure that all costs are being recovered.

Signed: Stuart McAvoy, Head of Finance, Ext 37 4004

Dated: 1 November 2024

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.

Signed: John Moss, Solicitor - 373010

Dated: 01/11/24

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 and any other conduct prohibited by the Act, 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 and sexual orientation.

If the proposed policy is agreed this could have an impact on people from across a range of protected characteristics, with one of the objectives of the policy being to protect children and other vulnerable persons from being harmed or exploited by gambling. Equality considerations need to be embedded throughout the policy and the Equality Impact

Assessment has been updated in line with the revised Gambling Policy. A copy of the EIA is attached at Appendix D.

Signed: Sukhi Biring, Equalities Officer, 454 4175

Dated: 6 November 2024

5.4 Climate Emergency implications

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

Signed: Aidan Davis, Sustainability Officer, Ext 37 2284

Dated: 7th November 2024

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

6. Background information and other papers:

None

7. Summary of appendices:

Appendix A – Consultation Responses

Appendix B – Response from Gosschalks Solicitors on behalf of Betting and Gaming Council

Appendix C - Revised draft statement of gambling policy following consultation

Appendix D – Equality Impact Assessment

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)?

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