

# Westmorland and Furness Council

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| <b>Report Title:</b>                       | Statement of Gambling Policy   |
| <b>Meeting:</b>                            | Council  |
| <b>Meeting Date:</b>                       | 22 <sup>nd</sup> February 2024   |
| <b>Report Author:</b>                      | Graham Barker<br>Head of Public Protection                             |
| <b>Lead Cabinet Member:</b>                | Cllr Neil Hughes – Cabinet Member for Transport                        |
| <b>Wards Affected</b>                      | All Wards  |
| <b>PUBLIC, PART EXEMPT OR FULLY EXEMPT</b> | Public   |
| <b>List of Appendices</b>                  | 1. Draft Statement of Gambling Policy<br>2. Equality Impact Assessment |

## 1. Executive Summary

- 1.1 The Gambling Act 2005 requires that the Council publish a ‘Statement of Gambling Policy’, setting out the policies the Council will generally apply when exercising their functions under the Act.
- 1.2 Legislation requires the Statement of Gambling Policy to be published every three years. A consultation has been undertaken between the 1st October 2023 and 31st December 2023. The Gambling Act 2025 prohibits the Licensing Committee from setting its own policy. At the Licensing Committee, held on 22nd January 2024, members considered the consultation responses and draft Policy as attached at Appendix 1 and have recommended that Council adopt the Policy from 1st April 2024.

## 2. Recommendation

For the reasons set out in this report, it is recommended that -

- 2.1 Council adopt the draft Statement of Gambling Policy, as attached at Appendix 1, from 1<sup>st</sup> April 2024.

## 3. Information: the Rationale and Evidence

### Background

- 3.1 Section 349 of the Gambling Act 2005 requires licensing authorities to prepare and publish a Statement of Licensing Principles that they are proposing to apply in exercising their functions under the Act every three years. This Council is currently operating under three separate policies approved by the former

Councils of Barrow Borough, Eden District Council and South Lakeland District Council and therefore a new Statement of Policy is required for Westmorland and Furness Council.

3.2 The Act places a responsibility for the regulation of gambling on the Gambling Commission and Licensing Authorities. The Gambling Commission is responsible for the regulation of operators of gambling premises and for issuing codes of practice and guidance. The functions of the Licensing Authority are:

- Licensing premises for gambling activities.
- Considering notices for temporary use of premises for gambling.
- Granting permits for gaming machines in clubs.
- Regulating gaming and gaming machines in alcohol licensed premises.
- Granting permits for family entertainment centres.
- Granting permits for prize gaming.
- Considering occasional use notices for betting tracks and registering small society lotteries.

3.3 In preparing the Statement of Policy the Council must have regard to the guidance issued by the Gambling Commission under Section 25 of The Act. The current guidance was published on the 1<sup>st</sup> April 2021 and was last updated on the 11<sup>th</sup> April 2023.

3.4 Licensing Committee Members' approval was therefore sought for the draft Statement of Policy following no representations received during the consultation that took place from the 1<sup>st</sup> October to the 31<sup>st</sup> December 2023.

#### **4. Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)**

The implementation of the draft Statement of Policy will contribute to a safe and improved environment to live, work and thrive in the Westmorland and Furness Council area.

#### **5. Consultation Outcomes:**

5.1 In preparing a Statement of Policy, the Licensing Authority must consult with the persons listed in Section 349 of the Act which includes the Chief Officer of Police, one or more persons who appear to represent the interests of persons carrying on gambling businesses in the area and one or more persons who appear to represent the interests of those likely to be affected by the exercise of the authority's functions under the Act.

5.2 A three month consultation on the draft Statement of Licensing Policy has been undertaken between the 1<sup>st</sup> October 2023 and 31<sup>st</sup> December 2023 and no

responses were received to the consultation other than acknowledgements of the policy. The draft Statement of Gambling Policy was also published on the Council's website during the consultation period.

## **6. Alternative Options Considered**

- 6.1 Failure to publish a Statement of Policy set out by the Gambling Act 2005 would mean that the Council would be unable to fulfil its duty as a licensing authority.
- 6.2 No other alternative options are therefore suggested.

## **7. Financial Implications and risk**

- 7.1 There are no proposals in this report that would reduce or increase resources.

## **8. Legal & Governance Implications**

- 8.1 Section 349 of the Act requires Licensing Authorities to prepare a Statement of Policy and publish it every three years. Separately from this, Licensing Authorities may review and alter their Statement of Policy during the three year time frame. Any interim review during the three year period does not replace the requirement to prepare and publish a Statement of Policy every three years from the date of publication of the Licensing Authority's first statement.
- 8.2 The Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations 2006 require that the Licensing Authority's Statement of Policy shall be published at least four weeks before it is due to come into effect on the 1<sup>st</sup> April 2024.
- 8.3 The Statement of Gambling Policy should ensure fairness, clarity and consistency, equality of treatment and proportionality in the approach to be adopted by the Licensing Authority in determining licensing applications.
- 8.4 Approval and adoption of the final Statement of Gambling Policy is a decision for Full Council in accordance with Part 2 – Section 2: Responsibility for Council Functions, 1.1.30 of the Council's Constitution.

## **9. Human Resources Implications**

- 9.1 There are no Human Resources implications arising out of this Statement of Policy.

## **10. Equality & Diversity Implications (including the public sector equality duty, Armed Forces Families, Care Leavers and Health inequalities implications)**

- 10.1 Each licensing decision, whether it is the determination of an application or enforcement action, is based on its own merits, considering the Gambling Act

2005, Statement of Gambling Policy and the Gambling Commissions Guidance to Local Authorities.

10.2 In preparation of this Statement of Policy consideration has been given to the Equality Act 2010. An Equality Impact Assessment has been carried out against the Draft Policy and is attached at Appendix 2.

## 11. Background Information & Sources

| Name of Background document   | Where it is available   |
|---|---|
| Gambling Act 2005   | <a href="https://legislation.gov.uk">Gambling Act 2005 (legislation.gov.uk)</a>   |
| Gambling Commission Guidance to Licensing Authorities 1 April 2021. | <a href="https://gamblingcommission.gov.uk">Guidance to licensing authorities (gamblingcommission.gov.uk)</a>   |
| Licensing Committee 22 January 2024 Agenda                          | <a href="https://moderngov.co.uk"> (Public Pack)Agenda Document for Licensing Committee, 22/01/2024 13:30 (moderngov.co.uk)</a>   |
| Licensing Committee 22 January 2024 Minutes                         | <a href="https://westmorlandandfurness.moderngov.co.uk/documents/g1114/Printed%20minutes%2022nd-Jan-2024%2013.30%20Licensing%20Committee.pdf?T=1">https://westmorlandandfurness.moderngov.co.uk/documents/g1114/Printed%20minutes%2022nd-Jan-2024%2013.30%20Licensing%20Committee.pdf?T=1</a> |