

LICENSING COMMITTEE

24 JUNE 2021

REPORT OF THE ASSISTANT DIRECTOR GROWTH AND REGENERATION

PROPOSED EXTENSION OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (POLICY STATEMENT) 2022 - 2024

Purpose

The current Gambling Policy is due to expire on 31st March 2022 but in December 2020 the Department for Digital, Culture, Media & Sport launched a major and wide-ranging review of gambling laws to ensure they are fit for the digital age. This call for evidence has now been completed and we are expecting a new Gambling Act sometime in the next 12 months at which point we will need to prepare a new Policy and Statement of Principles.

This report is to inform the committee of these forthcoming changes and propose that the existing policy be extended in its' current form for a further 24 months until 31st January 2024. Within this time frame we will draft a new Policy and Statement of Principles once the new legislation comes into force and this will then be brought before the Licensing Committee before going out to consultation.

Recommendations

It is recommended that the Committee agree to extend the current Gambling Policy and Statement of Principles until 31st January 2024.

Executive Summary

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 at Appendix 1 under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time.

The Government are currently reviewing the Gambling Act 2005 and we are expecting new legislation and guidance to be issued imminently. Having sought legal advice, the current Policy has been reviewed and there are no changes/amendments currently required. It is proposed that the Committee agree to extend the current Policy in force for a further 24 months until 31st January 2024. A new Policy will then be prepared and consulted on as soon as the new legal provisions come into force.

Key Changes

In December 2020 The Culture Secretary launched a wide ranging review of the Gambling Act 2005 and current gambling legislation to consider online stake and spend limits, advertising and marketing rules and the powers of the Gambling

Commission.

The review has been carried out to ensure the regulatory framework can protect children and vulnerable people, prevent gambling related crime, and keep gambling fair and open in the digital age.

As gambling has changed significantly over the past 15 years the review has considered:

- Online restrictions;
- Marketing;
- The powers of the Gambling Commission;
- Protections for online gamblers like stake and spend limits;
- Advertising and promotional offers;
- And whether extra protections for young adults are needed;

The review closed on the 31st March 2021 and we are due to receive an update on the proposed new changes and legislation imminently.

As a Licensing Authority, the Council is required under the Gambling Act 2005 to prepare/review, every three years, a Statement of Policy and Principles that they propose to apply in exercising their functions under the Act. The Council's current Statement of Policy and Principles was approved by the Committee and subsequently Council in December 2018 and came into effect on 31 January 2019.

Ordinarily a new/revised policy would be published by 03 January 2022 and come into effect on 31 January 2022. The current Policy has been reviewed and it is not proposed to make any changes or amendments until we have site of the new legislation and Gambling Commission guidance. Having sought legal advice it has been recommended that we should ask the Committee to extend the current Policy for a further 24 months. We will then prepare and consult on a new Policy under the new legal provisions once they come into force.

Financial Implications

There are no additional resource implications arising from this Consultation; resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budgets.

Legal/Risk Implications

Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy and Principles every 3 years. The next Statement would have been published by 31 January 2021.

Section 25 of the Gambling act 2005 requires the Authority to have regard to Gambling Commission Guidance when preparing its Statement of Licensing Policy.

The Council's legal advisor has confirmed that the Committee can review and agree to extend the existing Policy for a designated period. This will allow us to prepare a new Policy in response to the legislation and guidance that is expected in the near future.

Sustainability

The services for the regulation of Gambling contribute to the strategic priority of being healthier and safer in Tamworth.

REPORT AUTHOR

“If Members would like further information or clarification prior to the meeting please contact Gareth Harvey, Head of Environmental Health. Ext 01827 709 437.

LIST OF BACKGROUND PAPERS

1. Guidance to Licensing Authorities 5th edition [Guidance to licensing authorities \(GLA\) \(gamblingcommission.gov.uk\)](http://www.gamblingcommission.gov.uk/Guidance-to-licensing-authorities-(GLA))
2. Gambling Commission Guidance to Public Health <http://www.gamblingcommission.gov.uk/PDF/public-health-and-gambling-joint-letter-jan-2018.pdf>

APPENDICES

1. The Gambling Act 2005 Statement of Principles (Policy Statement) 2019 - 2022

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