

Crawley Borough Council

Report to Overview and Scrutiny Commission 24 June 2019

Report to Cabinet 26 June 2019

Review of the Statement of Licensing Policy Gambling Act 2005 (2020 – 2022)

Report of the Head of Community Services – HCS/14

1. Purpose

- 1.1 To appraise Councillors of the need to review Crawley Borough Council's Statement of Licensing Policy as pertains to Gambling Act 2005 ("Statement of Licensing Policy").
- 1.2 To request authorisation from Cabinet to conduct the statutory consultation on the proposed revision of the Council's Statement of Licensing Policy.
- 1.3 To draw Councillors' attention to the proposed revised Statement of Licensing Policy – Gambling Act 2005 as set out in Appendix A which will be subject to Full Council approval and adoption later in the year following comments that may arise during the consultation exercise.

2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Committee consider the finalised report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet

- 2.2.1 The Cabinet is recommended to authorise the Head of Community Services to conduct the statutory consultation process in respect of the proposed revised Statement of Licensing Policy at Appendix A. (*Generic Delegation 5 will be used to enact this recommendation*)

3. Reasons for the Recommendations

- 3.1 To agree and develop the proposed strategy to discharge the Council's role in its capacity of Licensing Authority for the 3 year period 2020 – 2022.
- 3.3 To ensure our policy is revised for the coming 3 years as required by section 349 of the Gambling Act 2005 and that this is done in accordance with procedures compliant with statutory guidance regarding consultation.

4. Background

- 4.1 Section 349 of the Gambling Act 2005 requires a licensing authority to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the Gambling Act 2005 in the coming 3 year period.
- 4.2 There is comprehensive statutory guidance published by the Gambling Commission which has been used in the preparation of this report. The statutory guidance includes guidance in respect of preparing, revising and publishing a Statement of Licensing Policy. Local authorities must have regard to the Statutory Guidance.

5. Description of Issue to be resolved

- 5.1 The Council are responsible for the issuing of Licences for premises that are covered by the Gambling Act 2005. Licences for operators and game types together with controls concerning gambling machines are dealt with directly by the Gambling Commission. The Council must have regard to statutory guidance and its own statement of Licensing Policy regarding the Gambling Act 2005 when issuing any licence for a premises.
- 5.2 It is a statutory requirement that the Council review and publish its statement of Licensing Policy regarding Gambling Act 2005 at least every 3 years.
- 5.3 Whilst the Council has no actual role in setting prize machine limits a response was sent by the Council to the Gambling Commission in connection to their recent review of the Gambling Industry in support of the reduction of stakes for Fixed Odds Betting Terminals to £2.00 which is scheduled to become law in the future.
- 5.4 Details of the Gambling Commission's plans to amend controls concerning aforementioned consultation can be found at 8.1 under Background Papers.
- 5.5 The proposed changes to the current Statement of Licensing Policy are summarised in Appendix B for information.

6. Information & Analysis Supporting Recommendation

- 6.1 Before publishing its Statement of Licensing Policy for any three year period the Council must consult the persons listed in section 349(3) of the Gambling Act 2005 namely;
 - The Chief Officer of Police
 - One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the borough.
 - One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act.
- 6.2 The Statutory Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation

exercise with anyone who may be affected by or otherwise have an interest in the Gambling Policy.

- 6.3 As part of the proposed 12 week consultation process details of the proposed revised Statement of Licensing Policy, together with an invitation to submit comments, be posted on the Council's website.
- 6.4 Following the statutory consultation process, the Council must then publish its revised Statement of Gambling Policy and advertise the publication by way of public notice, in accordance with legal requirements. The revised Gambling Policy will come into effect on the date specified in the public notice which must be at least 4 weeks from the date of publication of the revised statement and public notice.

7. Implications

- 7.1 The Council would be at risk of potential legal challenge regarding any matters pertaining to the Act should its policy be out of date.
- 7.2 There are no financial or staffing consequences that will arise from the changes to the policy as the fees are set by statute.

8. Background Papers

- 8.1 [Government response to the consultation on Gambling](#)
- 8.2 [Guidance to Licensing Authorities](#)

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