

# Cheltenham Borough Council

## Licensing Committee – 1 September 2021

### Consultation on revised Gambling Statement of Policy

#### Report of the Licensing Team Leader

#### 1. Executive Summary and Recommendation

- 1.1 Cheltenham Borough Council (“the authority”) is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.
- 1.2 The authority must also ensure that it complies with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006). These regulations govern the form statements must take, the procedure to be followed in relation to the preparation, review or revision of statements and the publication of statements.
- 1.3 A review has been undertaken in accordance with the statutory requirements. Given that there have been no substantial changes to legislation and national guidance, the proposed changes to the Gambling Policy Statement are minimal.
- 1.4 In May 2021, the statutory guidance was updated, although the Commission commented that it did not consider that licensing authorities would have to make any significant changes (if any) to their Statement of Policy in relation to the new statutory guidance, given that the changes were minimal and of no significant importance.
- 1.5 As such, and aside from minor updates, the only section of the Statement of Principles that has seen any substantial updates is section 5 that deals with local risk assessments for premises. This section has been updated to strengthen and clarify the local expectations relating to risk assessments.
- 1.6 The work to create local area profiles is still ongoing. This work requires input from GCC Public Health, but due to the Covid pandemic, this work has not started. The Statement of Policy notes (section 4) that this work is yet to be completed but this will not be done prior to the adoption of this iteration of the policy review.
- 1.7 **The Committee is recommended to:**
- 1.7.1 **Note the proposed revisions to the Gambling Policy Statement; and**
- 1.7.2 **Acting as lead consultee on all matters licensing related, provide a response to the Cabinet Member Customer & Regulatory Services on the consultation.**

#### 1.8 Implications

Legal

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#### 2. Proposed Policy Revisions

Consultation on revised Gambling Statement of Policy		Last updated 23 August 2021
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- 2.1 The revised policy statement is attached at Appendix 2 of this report.
- 2.2 For the sake of ease, tracked changes have been preserved on the revised policy statement to allow Members easy access to these changes:

- 2.2.1 Local Risk Assessments – Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks.

Proposed changes to section 5 seek to strengthen local risk assessments by clarifying what this authority will expect the local risk assessment to consider as a minimum.

- 2.2.2 Updates to gaming machine stakes and prizes (Appendix E)
- 2.2.3 Other minor updates as outlined in the draft statement of licensing policy.

### **3. Gambling Act 2005**

- 3.1 The Gambling Act 2005 is the primary legislation regulating all forms of gambling activity in the UK. Under the Act, gambling is defined as:

- gaming (within the meaning of section 6);
- betting (within the meaning of section 9); and
- participating in a lottery (within the meaning of section 14).

- 3.2 The Act sets out a number of licensing objectives that the authority is bound by when discharging any of its functions under the Act:

- 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.

### **4. Consultation and feedback**

- 4.1 When reviewing its policy statement, the authority is required to consult with:

- the chief officer of police for the authority's area,
- 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
- 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.

- 4.2 The authority must also advertise the publication of the reviewed policy statement by publishing a notice on its website and in one or more of the following places:

- a local newspaper circulating in the area covered by the statement,
- a local newsletter, circular, or similar document circulating in the area covered by the statement,
- a public notice board in or near the principal office of the authority,
- a public notice board on the premises of public libraries in the area covered by the statement.

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**Background Papers****Service Records****Report Author****Contact officer:** Louis Krog**E-mail:** [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)