

**REPORT TO:** LICENSING COMMITTEE

**DATE:** 16 NOVEMBER 2021

**TITLE:** REVIEW OF GAMBLING ACT POLICY

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**RECOMMENDED that:**

- A** The Licensing Committee approve the issue of the proposed replacement Gambling Act Licensing Policy, as set out in Appendix 1 to the report, for consultation.
- B** A further report to be presented which shall set out any representations received following the proposed ten week consultation.

**BACKGROUND**

1. Harlow Council is the local 'Licensing Authority' for the purposes of the Gambling Act 2005 (the Act). Under Section 349 of The Gambling Act 2005 The Licensing Authority is required to publish a Statement of Gambling Act Policy and review the Policy at three-yearly intervals. The Council's current policy was adopted by full Council on 18 December 2018 and took effect from 21 March 2019.
2. Under section 25 of the Act the Gambling Commission provides guidance to licensing authorities on how they should discharge their functions and duties. The current edition of the Commission's guidance (GLA) was issued in April 2021.
3. The adoption of the Gambling Act Policy is reserved to Full Council; however it is appropriate that it is considered by the Licensing Committee with a view to a recommendation to Council. The Council is required to consult on the proposed Gambling Act Policy.

**ISSUES/PROPOSALS**

4. Given the Committee meeting schedule, for the Licensing Committee to consider the proposed replacement policy before its issue for consultation, and to consider any responses before making a recommendation to Council in time for adoption in the statutory timescale, it is necessary that the process is commenced now.
5. It is envisaged that the proposed replacement policy is issued for consultation, with a view to consideration of any representations by a future meeting of the Licensing Committee and adoption by Full Council subject to any amendments considered necessary in time for adoption in March 2022.

6. The proposed replacement policy is attached as Appendix 1 to this report.
7. The revised policy has minor amendments which have been made to reflect changes in statutory guidance in regard to child protection, but the original policies have not been altered.
8. The Government conducted a 16 week consultation between 8 December 2020 and 31 March 2021 on a review of The Gambling Act 2005.
9. The objectives of the review was 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. Through the Review, the government's objectives are to:
  - a) Examine whether changes are needed to the system of gambling regulation in Great Britain to reflect changes to the gambling landscape since 2005, particularly due to technological advance.
  - b) Ensure there is an appropriate balance between consumer freedoms and choice on the one hand, and prevention of harm to vulnerable groups and wider communities on the other.
  - c) Make sure customers are suitably protected whenever and wherever they are gambling, and that there is an equitable approach to the regulation of the online and the land based industries.
10. In considering all of these issues, particular attention will be paid to children, young people, young adults, and others who may be particularly vulnerable to the risks posed by gambling.
11. During the consultation over 16,000 submissions were received. The Act has been debated in Parliament on 22 July 2021, and a 'White Paper' is to be presented to Parliament possibly before the end of 2021 with its conclusions and recommendations, which could result in this proposed policy once again being updated next year to reflect any changes. Nonetheless the Council should review its policy in accord with existing requirements to underpin any decision that it is required to make.

## **IMPLICATIONS**

### **Environment and Planning (Includes Sustainability)**

As contained within the report.

**Author: Andrew Bramidge, Director of Strategic Growth and Regeneration**

### **Finance (Includes ICT, and Property and Facilities)**

None specific.

**Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance**

## **Housing**

None specific.

**Author: Andrew Murray, Director of Housing**

## **Community Wellbeing (Includes Equalities and Social Inclusion)**

None specific.

**Author: Jane Greer, Director of Communities and Environment**

## **Governance (Includes HR)**

The Council must have a Gambling Act Policy in place which complies with the revised Guidance. Part of the process is to conduct consultation on the draft Policy. The Council must take into account those representations received when amending for revising the Policy. By conducting a compliant consultation, including ensuring that the consultation response forms will be compliant with the Council's duty under GDPR and Data Protection Act 2018, the Council will reduce the likelihood of legal challenges to the implementation of the updated Policy. The Council will need to have due regard to its Public Sector Equality Duty under the Equalities Act 2010 when implementing the changes to policy and recommendations for policies to be adopted.

**Author: Simon Hill, Director of Communities and Environment**

## **Background Papers**

The Gambling Commission Guidance to licensing authorities published on 1<sup>st</sup> April 2021 and last updated on 13<sup>th</sup> May 2021.

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

The Gambling Commission 'Review of The Gambling Act 2005 Terms of Reference and Call for Evidence'. Published 8<sup>th</sup> December 2020.

<https://www.gov.uk/government/publications/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence#how-to-respond>

## **Glossary of terms/abbreviations used**

GLA - The Gambling Commission Guidance to licensing authorities.

The Act - The Gambling Act 2005

## **Appendices**

Appendix 1 - Proposed Draft Gambling Licensing Policy Statement 2022-2025 V1