

Report to Licensing Committee

Meeting Date:	1 st December 2021
Portfolio:	Finance, Governance and Resources
Key Decision:	Yes
Within Policy and Budget Framework	YES
Public / Private	Public
Title:	GAMBLING ACT 2005 - DRAFT STATEMENT OF PRINCIPLES
Report of:	Director of Governance and Resources
Report Number:	GD.85/21

Purpose / Summary:

The Gambling Act 2005 came into effect on 7th September 2007. There is a requirement that Licensing Authorities must prepare and publish a licensing policy statement. This document will last for a maximum of three years.

The Licensing Committee agreed a reviewed policy to be consulted upon at their meeting on 18th August 2021. The consultation period ended on 8th October 2021 and this report details the feedback received and the recommended responses and amendments to the draft Gambling Policy.

Recommendation:-

Members to consider the responses to the consultation, prior to the draft version of the policy being placed before the Executive and Full Council in due course.

Tracking

Executive:	31st August 2021 & 20th December 2021
Scrutiny:	
Council:	4th January 2022

1. BACKGROUND

- 1.1 Section 349 of the Gambling Act 2005 (“the Act”) requires all licensing authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. A Statement of Principles will last for a maximum of three years, but can be reviewed by an authority at any time.
- 1.2 Members of the Licensing Committee approved the revised policy to be consulted upon at its meeting on 18th August 2021. The consultation period closed took place from 23rd August – 8th October 2021.
- 1.3 Consultation took place with the list of organisations included at Appendix 1 of the draft policy alongside those with a direct interest, eg Council Members and current licence holders.
- 1.4 A press release was prepared and issued to local media and details of the consultation were published on the Council’s website.
- 1.5 The Council received no responses.

2 PROPOSALS

- 2.1 As no responses were received to the consultation no amendments have been made to the draft policy.

3 RISKS

- 3.1 Failure to publish a revised Statement of Principles with the required timescale would leave Carlisle City Council in breach of its statutory obligations. This could lead to legal challenges, costs to the council and adversely affect the Council’s reputation.

4 CONSULTATION

- 4.1 The Act requires the Council to consult. The report’s recommendation is specifically aimed at providing the Committee with the responses to the formal consultation.

5 CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 5.1 Members of the Committee are to consider the responses to the consultation prior to the draft version of the Policy being placed before the Executive and full Council in due course.

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**Draft Statement of Gambling Policy 2022-2027 can be viewed on
<https://carlisle.cmis.uk.com/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/5074/Committee/838/SelectedTab/Documents/Default.aspx>**

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- Gambling Commission Guidance to Licensing Authorities, 5th Edition, September 2015 (updated September 2016)
- Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006
- Report GD.48/18 Gambling Act 2005 - Draft Statement Of Principles

CORPORATE IMPLICATIONS:

LEGAL – Included within report

FINANCE – none

EQUALITY – The public sector Equality Duty and Equality Policy have been considered by the service manager in preparing this draft policy. The policy clearly states how it will protect children and whether any special considerations apply in relation to the protection of vulnerable persons, on a case by case basis, through a Local Area Profile.

INFORMATION GOVERNANCE – The Policy states it will work without the boundaries of the legislation