



Report for:

ACTION

Item Number:

Contains Confidential or Exempt Information	No
Title	Statement of Gambling Licensing Policy Renewal
Responsible Officer(s)	Darren Henaghan, Strategic Director, Housing & Environment
Author(s)	Izabela Gregory Regulatory Services Operations Manager (Acting)
Portfolio(s)	Decent Living Incomes, Councillor Bassam Mahfouz
For Consideration By	Full Council
Date to be Considered	25 April 2023
Implementation Date if Not Called In	Not Applicable
Affected Wards	All
Keywords/Index	Licensing, gambling, policy,

PURPOSE OF REPORT

As a licensing authority under the Gambling Act 2005 the Council has a statutory duty to prepare and publish a statement of gambling licensing policy every three years.

This report asks the Full Council to approve the revised Statement of Gambling Licensing Policy.

1. Recommendations

Members are asked to:

- 1.1. Approve the Council's revised Statement of Gambling Licensing Policy, included in Appendix 1.

2. Reason for decision and options considered

2.1. The Gambling Act 2005 (the Act) requires that the Council as a Licensing Authority makes a statement of gambling licensing policy at least every three years. The Council's existing policy has been in force since 27 July 2020.

2.2. The published statement must have regard to and be consistent with the three objectives laid down in the Act which in short are:

- Preventing gambling from being a source of crime and disorder;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from harm or exploitation.

2.3. When preparing the statement, licensing authorities are required to adhere to regulations and have regard to the Gambling Commission's Guidance.

2.4. The statement must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act.

2.5. The current licensing policies related to the Licensing Act 2003, Sex Establishment Licensing and Gambling Act 2005 are all contained in one document. To facilitate the review and refresh of the Gambling Licensing Policy, without the need to change the other policies, the Licensing Committee agreed that this single document was to be separated into its constituent parts. No operational or functional policy change results, this is simply a clerical action to enable changes to discrete parts of policy to be carried out as prescribed by the statutory provisions which differ for these three policies.

2.6. In line with the regulations and the Gambling Commission's guidance, the Council's Statement of Gambling Licensing Policy was developed, prepared, and consulted upon with due regard to the requirements.

2.7. The Gambling Commission recommends that licensing authorities complete local area profiles as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to local landscape. There has been no local area profile completed as part of this review (or previous reviews). It is recognised that such reports can provide

many benefits for the licensing authority and the operators, therefore a comprehensive local area profiling to align with the review of the overarching Licensing Act 2003 Policy is scheduled for 2024/2025.

2.8. The consultation on the revised statement included statutory consultees and those required by the legislation.

2.9. Two representations were made, and relevant amendments were agreed by the Licensing Committee on 28 March 2023.

3. Key implications

3.1. If there is no policy in place any decision made by the Licensing Committee in respect of gambling licence may not be valid and will be open to legal challenge.

3.2. Failure to have a policy is not only unlawful but could leave the Council open to criticism from central government and ultimately the Council could face judicial review through the courts.

3.3. The revised Policy will be advertised in accordance with guidance and including being made available at reasonable times for inspection by members of the public.

4. Financial

4.1. No financial implications are anticipated. The actions required to publish a new statement of gambling licensing policy can be delivered within existing resources.

5. Legal

5.1. Section 349 of the Act requires the Council as a Licensing Authority to prepare and publish a statement of policy every three years.

5.2. Section 349(3) of the Act requires the Council to consult widely on any proposed policy. The consultation described in section 15 meets this requirement.

5.3. Section 153 of the Act requires the Council as Licensing Authority to have regard to codes of practice issued by the Gambling Commission.

5.4. The Act and the regulations also prescribe that the Council must publish the revised statement for at least four weeks prior to it coming into effect and advertise the fact that the revised statement is to be published.

6. Value for Money

Not applicable.

7. Sustainability Impact Appraisal

Not applicable.

8. Risk Management

None.

9. Community Safety

9.1. The Council's licensing policies detail how the Council's objectives in relation to Community Safety are promoted by the licensing regimes contained within the policy.

10. Links to the 3 Key Priorities for the Borough

10.1. The Council's licensing policy details how the licensing regime ensures that licensed businesses in Ealing comply with the minimum statutory and legal standards of operation. This encourages reputable businesses, discourages disreputable businesses and business practices thereby fighting inequality and creating good jobs.

11. Equalities, Human Rights and Community Cohesion

Not applicable.

12. Staffing/Workforce and Accommodation implications:

None anticipated.

13. Property and Assets

No property implications arising from this report.

14. Any other implications:

No other implications arising from this report.

15. Consultation

15.1. A public consultation as prescribed under the Gambling Act 2005 and

in detail via the Gambling Commission’s “Guidance to Licensing Authorities (01 April 2021)” was undertaken between 14 November 2022 and 26 December 2022.

15.2. As part of the consultation process, a mailshot and consultation email with the draft policy was sent to relevant persons. In summary, the Council consulted with:

- Police
- Responsible Authorities
- Neighbouring Councils
- Members of Parliament & Ward Councillors
- Gambling business located within the borough
- Bodies representing the interests of those carrying on gambling businesses within the borough
- National organisations
- Residents Associations

15.3. The consultation was also advertised on Ealing’s social media platforms and in December’s business newsletter.

15.4. Two representations were received: one from market provider of slots and gaming entertainment and one on behalf of Residents’ Association. The Licensing Committee reviewed these representations on 31 January 2023 and recommended appropriate changes. Final version of the Policy, attached as Appendix 1 was then reviewed and agreed by the Licensing Committee on the 28 March 2023.

15.5. Consultation responses were published on 22 February 2023.

16. Timetable for Implementation

Activity	Timescale
Full Council consider and agree publishing Statement of Gambling Licensing Policy	25 April 2023
Statement of Gambling Licensing Policy published. *The statement must be published for a period of at least 4 weeks before the date in which it will come into effect	*By 29 June 2023
Effective operational date of the Gambling Policy 2023	By 27 July 2023

17. Appendices

- **Appendix 1:** Council Statement of Gambling Licensing Policy 2023.

18. Background Information

- Gambling Act 2005 - <https://www.legislation.gov.uk/ukpga/2005/19/contents>
- Gambling Commission Code of Practice - <https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/online>
- Gambling Commission – Guidance to Licensing Authorities (01 April 2021) - <https://www.gamblingcommission.gov.uk/print/guidance-to-licensing-authorities>

Background Information

Copies of all reports and decisions underpinning this report are available for inspection on the Council's website.

Consultation

Name of Consultee	Post held and Department	Date sent to consultee	Date received from consultee	Comments appear in report paragraph:
Internal				
Darren Henaghan	Strategic Director of Housing and Environment	6/4/2023		
Justin Morley	Head of Legal Services (Litigation)	6/4/2023	12/4/2023	Throughout
Emily Hill	Chief Finance Officer	6/4/2023		
Councillor Bassam Mahfouz	Leader for Decent Living Incomes	6/4/2023		

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Izabela Gregory, Regulatory Operations Manager (Acting) piterai@ealing.gov.uk