

9984

CONSULTATION WITH APPROPRIATE CHAIRMAN AND VICE- CHAIRMAN FOR URGENT ACTION
TO BE TAKEN UNDER STANDING ORDER 42

TO: Councillors J Wilson and D Cotty
Chairman and Vice- Chairman of the Regulatory Committee

FROM: EH (LICENSING) Robert Smith Senior Licensing Officer

OFFICER REFERENCE:

DATE: 13/12/2021

1. Synopsis of report:

To present the revised Gambling Policy 2022 – 2025.

2. Reasons why this matter cannot wait for a Committee Decision.

The proposed amendments are minor and relate to non-legislative matters. These were fully discussed by Members on 9 November 2021, where approval was given for public consultation.

This is a short report, with no representations having been made following the consultation exercise.

Owing to the fluid nature of the current pandemic restrictions, and the changing Covid threat environment, it is considered prudent to finalise the decision making process by SO42 rather than meet in person in a relatively enclosed space. In addition, this was the only item of business on the agenda, so it is more efficient to use the SO42 route.

3. Recommendation(s)

The revised Gambling Policy 2022 – 2025, as attached at Appendix 'A' be approved.

4. Context of report

- 4.1 The Gambling Act 2005 came into effect on 1 September 2007 and gave Local Authorities responsibility for several regulatory functions in relation to gambling.
- 4.2 The provisions of the Gambling Act 2005 require that the Council produces a Statement of Gambling Principles (the policy) every three years. The form and content of the policy is prescribed by The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.
- 4.3 Runnymede's current policy was approved by the Regulatory Committee in November 2018 and is valid from 31 January 2019 to 30 January 2022.
- 4.4 The Gambling Commission's Guidance to Licensing Authorities dated 13 May 2021 was used to review our current policy and it has been concluded that this policy is substantively up to date with the current guidance.
- 4.5 The draft policy for 2022-2025 was presented to the Regulatory Committee on 9 November 2021, where approval was given for public consultation.

5. Report and, where applicable, options considered

- 5.1 The proposed changes to the policy are limited to those which make some specific areas easier to understand by adding further information. Namely the wording of parts 1.2, 2.8 and 3.1. In addition, the Local Area Profile (LAP) has been changed so that the new corporate version is linked to the policy.
- 5.2 The policy contains no material changes to the intent or direction of the previous policy, which is that the Council seeks to ensure that premises licensed for gambling uphold the licensing objectives. Because the proposed amendments are minor and relate to non-legislative matters the proposed consultation was carried out over a 7-week period. This was deemed proportionate given the minor nature of the changes.
- 5.3 Consultation duly took place between 10 November 2021 and 31 December 2021, no representations or comments were received.
- 5.4 Following consultation the proposed policy for 2022-2025 is attached at Appendix 'A' and remains the same as that which was approved by the Regulatory Committee in November 2021.

6. Policy framework implications

- 6.1 The revised policy if approved would come into effect on 31 January 2022 and it sets out a document which includes small changes to legislation and the addition of further information to assist operators in complying with the Gambling Act 2005 and the promotion of the licensing objectives.

7. Financial and Resource implications (where practicable)

- 7.1 There are no specific financial implications resulting from the matters considered in this report. The minimal cost of consultation and publication will be met from the running costs of the Licensing team.

8. Legal implications

- 8.1 Under section 349 of the Gambling Act 2005, a Licensing Authority must prepare and publish the policy they propose to apply in exercising their functions under the Act.
- 8.2 Prior to the policy coming into effect, it must be advertised in accordance with the Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.

9. **Equality implications**

- 9.1 The Council is required by the Equality Act 2010 to have due regard to the Council's Public Sector Equality Duties to eliminate discrimination and to consider how it may advance equality of opportunity and foster good relations between different groups and sectors of the community as they carry out their functions.
- 9.2 The Council's Gambling Policy has been drafted with Equalities issues being considered in the context of the licensing objectives and the LAP. Specifically relevant to people with protected characteristics is the Licensing objective to protect children and other vulnerable persons from being harmed or exploited by gambling. This engages the characteristics of age and potentially disability. An Equalities screening assessment was carried out on the existing policy prior to its introduction in 2018, the limited number of changes in the proposed revised policy do not have any impact on protected characteristics.
- 9.3 Section 1.5.1 of the Policy sets out how the authority intends to protect children and Section 2.3 concerns Local Risk Assessments, which take into account factors such as the location of premises and their proximity to schools, nurseries, childcare facilities, centres for the care of vulnerable adults and or children, including facilities for people with disabilities and residential areas with a high concentration of children or older persons, demonstrating that the Council has had due regard to Equalities issues throughout.
- 9.4 The LAP contains key demographic information for the borough with regard to the protected characteristics under the Equality Act 2010.

10. **Other implications (Environmental/biodiversity/ sustainability must be addressed)**

None identified.

11. **Background papers**

The Gambling Act 2005

<http://www.legislation.gov.uk/ukpga/2005/19/contents>

The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.

<https://www.legislation.gov.uk/uksi/2006/636/contents/made>

The Gambling Commission's latest 'Guidance to Licensing dated 13 May 2021

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

Gambling Commission - Licence Conditions and Codes of Practice dated 31 October 2020

[Licence Conditions and Codes of Practice - Gambling Commission](#)

Runnymede Borough Council – Local Area Profile (LAP)

<https://www.runnymede.gov.uk/downloads/file/752/rbc-profile>

12. **Chief Officer(s) Decision**

Signature of authorised officer ..



20/12/21

I have been consulted and am in agreement with the above

Signature(s) and position(s) of other relevant Chief Officer, Corporate Heads or authorised representatives

.....

NB: this must include the Assistant Chief Executive or his authorised representative where the decision involves expenditure, loss of income, or future implications for budget or financial forecast.

13. **Chief Executive's Decision**

Signature of Chief Executive ..



I have been consulted and am in agreement with the above

14. **Chairman and Vice-Chairman Comments**

I concur in the Chief Officer's decision

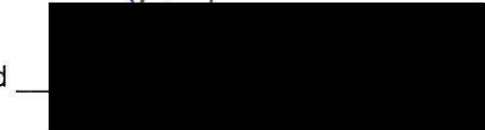
Signed



Date

25/1/22

Signed



Date

19/1/22

I have the following further comments:

Further information may be obtained from Robert Smith on Ext. 5722

The completed copy is to be returned by the Councillors to the Corporate Head of Law and Governance (John Gurmin) who will send a copy to the Chief Officer and report to the relevant Committee for information.