

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	TRIENNIAL REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES
DATE OF DECISION:	26 th June 2024
REPORT OF:	Service Manager: Licensing

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

N/A

BRIEF SUMMARY

Approval is sought to consult on the council's statement of licensing principles (SLP) for the Gambling Act 2005. Section 349 of the Gambling Act 2005 requires the City Council, as licensing authority, to prepare and publish a SLP that it proposes to apply in exercising its functions under the Act. The Council adopted its first policy from January 2007. This policy must be reviewed at least every three years. The Gambling Commission require SLPs to be adopted by 31st January 2025.

RECOMMENDATIONS:

	(i)	That the committee considers the proposed SLP (Appendix 1) and approves it to be used to go out to consultation for a period of three months.
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REASONS FOR REPORT RECOMMENDATIONS

1.	The Council has a statutory obligation to adopt, review and maintain a Statement of Licensing Principles (policy) in relation to the functions allocated to it under the Act.
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ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2.	Not applicable, the Council is required to have a SLP by law.
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DETAIL (Including consultation carried out)

3.	Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act.
	The Act provides for three categories of licence:- (a) Operating licences;

	(b) Personal licences; and (c) Premises licences
	The Gambling Commission issues operating licences and personal licences; and licensing authorities issue premises licences. This has the effect of placing on line gambling under the remit of the Gambling Commission, not the local authority.
	The main functions of licensing authorities under the Act are as follows: - <ul style="list-style-type: none"> • Licensing premises for gambling activities□ • Considering notices given for the temporary use of premises for gambling□ • Granting permits for gaming and gaming machines in clubs and miners' welfare institutes • Regulating gaming and gaming machines in alcohol licensed premises • Granting permits to family entertainment centres for the use of certain lower stake gaming machines • Granting permits for prize gaming • Considering occasional use notices for betting at tracks • Registering small societies' lotteries
	In April 2021 the Gambling Commission issued revised detailed guidance to licensing authorities on the manner in which they are to exercise their functions under the Act, and in particular, the principles they should apply in exercising their functions. The Gambling Commission intends to update this guidance later this year but accept it will be too late to allow licensing authorities to include in their statement of licensing principles. Licensing authorities will have to consider both their local statement of licensing principles and any revised guidance from the Gambling Commission when determining applications. If necessary the adoption process will be repeated to include any amendments in light of future guidance
	The vast majority of the SLP is prescriptive or flows from statutory guidance which is expected to be included in the document unless there is very good reason not to do so. The Council has also had the benefit of Leading Counsel's opinion on the draft SLP in order to ensure it meets all statutory requirements
	The changes to the policy are mainly very minor and are shown as tracked changes in appendix 1. There is significant change in the Casino section in Section 15. This shows the process that will be adopted should the council decide to invite applications. IT DOES NOT ADDRESS THE DECISION OF THE COUNCIL WHETHER TO PROGRES WITH INVITES OR NOT FOR A LARGE CASINO. This question will be dealt with separately to the adoption of the SLPs.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
	N/A
<u>Property/Other</u>	
	N/A

LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
	Section 349 of the Gambling Act 2005.
<u>Other Legal Implications:</u>	
	The SLP sets out the factors which the Licensing Authority shall take into account, along with relevant statutory guidance, the Gambling Act 2005 and Regulations made thereunder when performing its licensing functions. It is important to note and reiterate that the Licensing Authority is unable to consider issues relating to morality or demand when determining premises licence applications.
	<p>Equality Act 2010</p> <p>Public authorities, under the Equality Act 2010, have a legal obligation to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. An Equality Impact Assessment has not been carried out in this instance as the risks associated with the publication of this document on this duty are considered to be low.</p>
	<p>Human Rights Act 1998</p> <p>The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the council that could have an effect upon another person's human rights must be taken having regard to the principle of proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.</p>
	<p>Crime and Disorder Act 1998</p> <p>Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.</p>
RISK MANAGEMENT IMPLICATIONS	
	Failure to properly consult or adopt such a policy will leave decisions by the authority at risk of challenge. Failure to adopt the SLP leaves the authority unable to perform its statutory functions and therefore the risk is high in this regard.
POLICY FRAMEWORK IMPLICATIONS	
	The Gambling Act policy is one of the policy framework documents that is required to be considered and adopted by full Council on a triennial basis.

KEY DECISION?	No	
WARDS/COMMUNITIES AFFECTED:	All	
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Proposed Gambling Act 2005 SLP	
Documents In Members' Rooms		
1.		
2.		
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		No
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.		No
Other Background Documents		
Other Background documents available for inspection at:		
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.		
2.		