

# **Cherwell District Council**

## **Executive Meeting**

**7 February 2022**

### **(Draft) Gambling Act 2005 Statement of Licensing Principles**

#### **Report of Assistant Director Regulatory Services & Community Safety**

This report is public

### **Purpose of report**

To consider a revised Statement of Licensing Principles which is required to be published by the council under the Gambling Act 2005.

This report introduces a draft of the revised Gambling Act 2005 Statement of Licensing Principles (attached as Appendix 1). It explains the reason for the review, provides a summary of the main changes to the current statement of licensing principles, and outlines the consultation process followed in revising the current document. The Executive is requested to agree that the revised statement of licensing principles should be taken to Full Council for approval and publishing.

### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To agree that the revised Statement of Licensing Principles under the Gambling Act 2005 be submitted to Full Council for approval.

### **2.0 Introduction**

- 2.1 This report refers to the Statement of Licensing Principles ('the Statement') following the review required by the Gambling Act 2005.

- 2.2 Section 349 of The Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act and in particular the following 3 licensing objectives:

- i. Keeping gambling crime free
- ii. Making sure that gambling is fair and open
- iii. Protecting children and vulnerable adults

- 2.3 The Gambling Act 2005 became fully implemented on 1 September 2007 and it

created a new system of licensing and regulation for commercial gambling. It requires the Council to prepare and publish a Statement of Principles for each successive period of three years, which outlines the principles that the Council will apply in exercising its functions as the Licensing Authority under the Act.

### **3.0 Report Details**

- 3.1 The draft revisions to the Statement included in this report have been produced in accordance with Regulations and the Gambling Commission's Guidance to Licensing Authorities. Statutory consultation must take place prior to the Statement being adopted.
- 3.2 The statutory period for the statement is three years. The last statement was approved January 2019 and came into effect on 31 January 2019. A new statement must be prepared and published with a view to it coming into effect on 31<sup>st</sup> January 2022 for a further three-year period.
- 3.3 To help the process, the Act requires the Gambling Commission to issue statutory guidance to Licensing Authorities on the manner in which they are to exercise their functions under the Act and the principles to be applied by them in exercising those functions. Licensing Authorities are required to take account of all such guidance. The statutory guidance is designed to ensure the spread of best practice and consistency of approach in decision making amongst licensing authorities, whilst not preventing authorities from properly exercising the discretion they have to take account of appropriate and relevant local issues and factors.
- 3.4 The draft statement itself is unchanged from the current statement other than minor amendments to the document layout and inclusion of Cherwell District Council logo and dates. There are five areas where wording has been reclarified as requested by OCC Children's Services. Appendix 2 of this report includes a summary of the proposed changes to the statement.
- 3.5 The draft statement is attached at Appendix 1.
- 3.6 The Act requires a consultation to be carried out with the persons/groups detailed in section 5.0 below.

### **4.0 Conclusion and Reasons for Recommendations**

- 4.1 It is recommended that the revised Statement of Licensing Principles be approved.

### **5.0 Consultation**

- 5.1 S.349(3) of the Act requires licensing authorities to consult with the following on their policy statement or any subsequent revision:
  - Chief Officer of Police
  - The Fire Authority
  - One or more persons who appear to the authority to represent the

business interests of persons carrying on gambling business in the authority's area

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

5.2 We have consulted on the statement with Thames Valley Police, Oxfordshire Fire and Rescue, Oxfordshire County Council Children's Services and Public Health and all licensed premises in Cherwell. The only feedback has been Children's services. This feedback has resulting in minor wording reclarifications with the changes being detailed in Appendix 2.

## **6.0 Alternative Options and Reasons for Rejection**

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to review and republish the statement. It is a statutory requirement that the policy must be reviewed so this option is not recommended.

## **7.0 Implications**

### **Financial and Resource Implications**

7.1 There are no financial implications arising from this report.

Comments checked by:

Kelly Wheeler, Finance Business Partner 01295 221570

[kelly.wheeler@cherwell-dc.gov.uk](mailto:kelly.wheeler@cherwell-dc.gov.uk)

### **Legal Implications**

7.2 The Gambling Act 2005 requires the council to prepare and publish a 'statement of licensing principles' – a policy to be applied in the managing of local gambling provision. The policy must comply with the Gambling Act 2005 and secondary legislation and have due regard to the statutory guidance and codes of practice issued by the Gambling Commission. The policy is required to be reviewed at least every three years.

7.3 Failure to comply with the legislation and give due consideration to the guidance and codes of practice may result in a successful challenge to the Council's discharge of its statutory functions.

7.4 Subsequent failure to comply with the policy when undertaking the management of local gambling provision may result in a successful challenge to the council's discharge of its statutory functions.

Comments checked by:

Sukdave Ghuman, Head of Legal Services, [Sukdave.ghuman@cherwell-dc.gov.uk](mailto:Sukdave.ghuman@cherwell-dc.gov.uk)

## **Risk Implications**

7.3 There are no risks arising directly from this report

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes,  
[Louise.tustian@cherwell-dc.gov.uk](mailto:Louise.tustian@cherwell-dc.gov.uk)

## **Equalities and Inclusion Implications**

7.4 There are no changes to the policy following review therefore this is a standard policy for re-adoption that does not identify any bias, unfair advantage or disadvantage to any groups or individuals. Please refer to the Equality and Climate impact assessment for further details.

Comments checked by:

Emily Schofield, Acting Head of Strategy, [emily.schofield@oxfordshire.gov.uk](mailto:emily.schofield@oxfordshire.gov.uk)

## **Sustainability Implications**

7.5 There are no changes to the policy following review, so no changes are being made. The policy requires re-adoption. Please refer to the Equality and Climate impact assessment Appendix - 03

Comments checked by:

Sandra Fisher-Martins, Programme Manager, Climate Change  
[Sandra.fisher-martins@oxfordshire.gov.uk](mailto:Sandra.fisher-martins@oxfordshire.gov.uk)

## **8.0 Decision Information**

### **Key Decision**

**Financial Threshold Met: No**

**Community Impact Threshold Met: No**

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

District of Opportunity and Growth

### **Lead Member**

Councillor Andrew McHugh, Lead Member for Health and Wellbeing

## **Document Information**

### **Appendix Number and Title**

- Appendix 1 - Gambling Act 2005 Statement of Licensing Principles
- Appendix 2 – Summary of Changes Document
- Appendix 3 – Equality and Climate Impact Assessment – Gambling Licensing Policy 2022

### **Background papers**

None

### **Report Author and Contact Details**

Richard Rockall - Licensing Manager

[Licensing@cherwell-dc.gov.uk](mailto:Licensing@cherwell-dc.gov.uk) Telephone: 01295 753744