

STATEMENT OF GAMBLING POLICY

REPORT OF: Tom Clark, Head of Regulatory Services.
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Wards Affected: ALL
Key Decision: No
Report to: Licensing Committee

Purpose of Report

1. To advise the Committee on the content of the Draft Gambling Act 2005 (Statement of Licensing Policy) 2023 (Appendix 1). The Policy is currently out for public consultation until 10 November 2022. The Scrutiny Committee for Community, Leisure, and Parking reviewed the Policy on 28 September 2022.

Recommendations

2. The Committee is recommended to note the contents of the Draft Statement of Licensing Policy for Gambling in Appendix 1.
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Background

3. Section 349 of the Gambling Act 2005 requires a Licensing Authority (Mid Sussex District Council) to prepare and publish a statement of its Licensing Policy every three years or as appropriate. The existing Policy is due for re-publication.
4. The Statement is not intended to be used to limit gambling establishments, but how we apply the Act in order to protect the public through the three objectives:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
5. In accordance with the Gambling Act 2005, the Draft Policy contained in Appendix 1 was published for a 6-week consultation period which commenced on 29 September 2022. The list of consultees included the following:
 - Elected Members
 - Town and Parish Councils
 - Sussex Police
 - West Sussex Fire and Rescue Service
 - West Sussex County Council
 - The trade bodies representing premises licence holders and local businesses
 - Members of the public via the Council's web site, the local libraries and help points
 - HM Customs and Excise
 - Gamblers Anonymous
 - Citizens Advice Centres

6. The current Policy has been reviewed in accordance with several regulatory and legislative changes and the statutory guidance. There are no substantial changes to the current Policy Statement.
7. To provide some context, we currently licence:
 - 2 Adult Gaming Centres (Pease Pottage Services)
 - 7 Betting Shops
 - 69 premises with Gaming Machines that are licensed to sell alcohol and that have an automatic entitlement to have 2 gaming machines provided they have notified us
 - 9 premises with 3 or more Gaming machines
 - 8 Club Gaming Machine Permits (Registered Clubs) - larger prize money
 - 1 Club Gaming Permits allows certain gaming and larger prize money machines
 - 77 Small Society Lotteries are registered (these register annually to allow raffles, sale of tickets etc.)
8. The Committee will be aware that the Government is currently reviewing the Gambling Act, and a white paper is due to be published in October at the earliest, setting out the conclusions of the review and any potential reforms of the Act. We will incorporate any legislative changes announced by the Government as a result of their consultation into our revised policy.

Policy Context

9. The Gambling Act 2005 (Statement of Licensing Policy) is produced in accordance with the provisions of The Gambling Act 2005 (Licensing Authority Policy Statement England and Wales) Regulations 2006, which places a duty on the Council to carry out its licensing functions in respect to the licensing, inspection and enforcement of such premises.

Financial Implications

10. None

Risk Management Implications

11. The Council is required to review its Statement every three years or sooner if appropriate. Failure of a Council to review their Policy could be open to a legal challenge.

Equality and Customer Service Implications

12. An equality impact assessment was carried out in the development of this Statement and did not identify any negative impacts for customers and those protected by equalities legislation. The Statement is intended to protect the public and through our consultation with a range of stakeholders, including the Police, we will ensure that any relevant issues are identified.

Sustainability Implications

13. None for the purposes of this report.

Background Papers

Appendix 1 - Gambling Policy Statement of Principles 2022

