

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S  
REPORT TO**

**29 October 2024**

**Report Title:** Gambling Act 2005 – Review of Statement of Licensing Principles (Gambling Policy)

**Submitted by:** Service Director – Regulatory Services/Licensing Administration Team Manager

**Portfolios:** Finance, Town Centre & Growth

**Ward(s) affected:** All

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To consider the representations received in relation to the consultation on the draft Gambling Policy and to agree upon a final version of the draft policy for submission to Full Council on 20 <sup>th</sup> November 2024.			
<b><u>Recommendation</u></b>			
That Committee:			
1. That the Committee consider the responses received to the consultation exercise.			
2. That the updated Policy be presented for approval to Full Council at its meeting on 20 <sup>th</sup> November 2024.			
<b><u>Reasons</u></b>			
Under section 349 of the Gambling Act 2005 the Council has a statutory duty to review its Gambling statement set out in the Gambling Policy every 3 years.			

**1. Background**

**1.1** At the meeting held on 30<sup>th</sup> July 2024 the Committee determined to approve a 6 week consultation period for the Council's draft Gambling Policy.

**1.2** The Council have consulted with:

- The Gambling Commission;
- Staffordshire Police;
- Staffordshire County Council;
- Neighbouring Local Authorities;
- Representatives of local businesses ;
- Local residents and their representatives;
- Town and Parish Councils in the Borough;

- Local Members of Parliament;
- National bodies representing the gambling trade;
- National charities concerned with the social impact of gambling;
- Representatives of existing licence holders;
- Newcastle Partnership;
- Department of Regeneration and Planning Services, Newcastle Borough Council;
- Staffordshire County Council Trading Standards;
- Aspire Housing; and
- Members of the Public (via the website and printed copies at Council Offices)

**1.3** The consultation period ended on 19th September 2024 and the Council received responses from:

- GamCare Charity, attached as **Appendix A**;
- The Lotteries Council, attached as **Appendix B**; and
- The Betting and Gaming Council, attached as **Appendix C**.

**1.4** The consultation response from GamCare welcomed the Council's position statement in relation to mandatory and default conditions for premises licensed under the Gambling Act 2005 (GA05), suggest that they would like the Council to commit to taking a public health approach to gambling (with suggestions as to how to that may be achieved), that the Council should pursue a Local Area Profile and the policy should be reviewed against legislative reviews and white papers in the sector.

**1.5** The consultation response from the Lotteries Council did not offer any comment.

**1.6** The consultation response from the Betting and Gaming Council provides a summary of the sector within the UK, an overview of legislative and white paper recommendations that have either recently been implemented or are due to come into force in the near future, the differences between Licensing Act 2003 (LA03) and GA05 applications and then offers a number of specific suggestions to include/remove from the proposed GA05 policy document, including:

- Para 2.2 being amended to avoid any confusion between the LA03 and GA05 regimes. This is accepted by officers and has been amended within the proposed policy document;
- Para 4.8 should be redrafted to remove matters that they suggest are not able to be considered when making risk assessments under GA05. This is not accepted by officers as it is our view that it is reasonable for applicants operating, or wishing to operate, within the area should be aware of local issues that may present risk and seek to address those. This section has not been amended within the proposed policy document;
- Paras 16.12 to 16.14 should have an additional statement inserted to confirm that the mandatory and default conditions are usually sufficient to ensure consistency with the licensing objectives, and additional conditions will only be considered where there is clear evidence for doing so. This is

accepted by officers and has been amended within the proposed policy document; and

- Para 16.13 should be redrafted to remove a sentence that states “*The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively*” as it is more suitable for LA03 applications than GA05 applications, and there is a suggestion that matters contained within a risk assessment may be imposed as licence conditions. This is accepted by officers and has been amended within the proposed policy document.

**1.7** Under section 349 of the Gambling Act 2005 the Council has a statutory duty to review its Gambling statement set out in the Gambling Policy every 3 years. It must be published by the 3rd January 2025 and in force by 31st January 2025 to ensure there is a 28 day period between publication and implementation. A copy of the proposed Policy following consultation is attached as **Appendix D**.

## **2. Issues**

**2.1** It is suggested that the updated draft policy be sent to Full Council on 20<sup>th</sup> November 2024 for approval, and subsequent implementation in January 2025 in line with the timetable at 3.2 of the report.

**2.2** As described in section 1.6 above, the proposed policy document has been amended in three paragraphs following consideration of the consultation responses received.

## **3. Recommendation**

**3.1** The Council have a statutory duty to consult on, publish and implement a Gambling Policy every 3 years as required by the Gambling Act 2005. It is requested that Members agree that the Policy detailed in Appendix D may be sent to Full Council for approval, and subsequent implementation, in line with the table below:

### **3.2 Timetable**

29 <sup>th</sup> October 2024	Meeting of Licensing Committee to discuss response to the consultation and amend Policy as required. Approval is given to send to Full Council for agreement
20 <sup>th</sup> November 2024	Proposed Policy to be considered by Full Council
December 2024 (or in any case before 3 <sup>rd</sup> January 2025)	Publish the Policy
January 2025 (before 31 <sup>st</sup> )	Implement the new Policy

## **4. Reasons**

**4.1** To receive the report

**4.2** To approve the draft Gambling Policy for Newcastle-under-Lyme.

4.3 That the updated Policy be presented for approval to Full Council at its meeting on 20<sup>th</sup> November 2024 in order that the Policy is published prior to 3<sup>rd</sup> January 2025.

## 5. Options Considered

5.1 No alternative options considered as the Council has a statutory duty to consult on and publish a new Statement of Licensing Policy every 3 years.

## 6. Legal and Statutory Implications

6.1 The Council have a statutory duty consult on, publish and implement a Gambling Policy every 3 years as required by the Gambling Act 2005.

## 7. Equality Impact Assessment

7.1 None carried out.

## 8. Financial and Resource Implications

8.1 There are no financial or resource implications identified from the proposed policy document.

## 9. Major Risks & Mitigation

9.1 None identified.

## 10. UN Sustainable Development Goals (UNSDG)

10.1



## 11. Key Decision Information

11.1 Not applicable

## 12. Earlier Cabinet/Committee Resolutions

12.1 No Casino Resolution in 2007.

12.2 To implement a Gambling Policy in 2022, 2019, 2016, 2013, 2010, 2007

## 13. List of Appendices

13.1 Appendix A – Consultation response from GamCare Charity;

13.2 Appendix B – Consultation response from The Lotteries Council;

13.3 Appendix C – Consultation response from The Betting and Gaming Council;

13.4 Appendix D – Proposed Gambling Policy 2025-2028

**14. Background Papers**

**14.1 The Council Gambling Policy 2022-2025**