

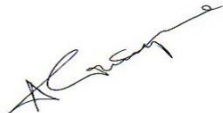


## EXECUTIVE DECISION NOTICE



<b>SERVICE AREA:</b>	<b>OPERATIONS AND NEIGHBOURHOODS</b> Environmental Services (Public Protection)
<b>SUBJECT MATTER:</b>	<b>PUBLIC CONSULTATION ON THE STATEMENT OF GAMBLING PRINCIPLES</b>
<b>DECISION:</b>	To commence a period of consultation in respect of a review of the existing Statement of Gambling Principles
<b>DECISION TAKER(S):</b>	Councillor Allison Gwynne
<b>DESIGNATION OF DECISION TAKER(S):</b>	Executive Member (Neighbourhoods, Community Safety and Environment)
<b>DATE OF DECISION:</b>	10 November 2021
<b>REASON FOR DECISION:</b>	<p>The Gambling Act 2005 require Local Authorities to refresh their policies within a statutory timeframe. Failure to do so could result in the Council acting unlawfully.</p> <p>A period of consultation is essential to ensure the views of all potentially affected parties are sought before a decision is made</p>
<b>ALTERNATIVE OPTIONS REJECTED (if any):</b>	Not consulting could result in a legal challenge to any decision made by the Council. Consulting will enable any alternative options proposed to be considered.
<b>CONSULTEES:</b>	Members of the public, elected members, holders of premises licenses potentially affected by the decision, all responsible authorities
<b>FINANCIAL IMPLICATIONS:</b> <b>(Authorised by Borough Treasurer)</b>	There are no direct financial implications arising from the report at this stage. However, Members will be advised of any subsequent implications once the outcome of the consultation is known
<b>LEGAL IMPLICATIONS:</b> <b>(Authorised by Borough Solicitor)</b>	<p>The leading case of Gunning in 1985 set out the following requirements for a compliant consultation exercise:</p> <ul style="list-style-type: none"> <li>• Must be at a time when proposals are still at a formative stage.</li> <li>• Must give sufficient reasons for any proposal to permit of intelligent consideration and response</li> <li>• Adequate time must be given for consideration and response.</li> <li>• The comments from the consultation must be conscientiously taken into account in finalising any proposals</li> </ul> <p>The main body of the report helpfully sets out how the consultation is to be conducted to ensure that the feedback is as meaningful as possible. An EIA should also be considered.</p> <p>The comments and suggestions from the consultation should be considered carefully by the decision makers as part of the</p>

	final decision making process again to ensure that a robust and transparent process has been undertaken.
<b>CONFLICT OF INTEREST:</b>	None.
<b>DISPENSATION GRANTED BY STANDARDS COMMITTEE ATTACHED:</b>	N/A
<b>REFERENCE DOCUMENTS:</b>	<p>The background papers relating to this report can be inspected by contacting Emma Varnam, Assistant Executive Director (Operations and Neighbourhoods)</p> <p> Telephone:0161 342 3337</p> <p> e-mail: <a href="mailto:emma.varnam@tameside.gov.uk">emma.varnam@tameside.gov.uk</a></p>

Signed.....  ..... Dated: **10 November 2021**  
**Councillor Allison Gwynne – Executive Member for Neighbourhoods, Community Safety and Environment**

## EXECUTIVE DECISION REPORT

<b>SERVICE AREA:</b>	<b>OPERATIONS AND NEIGHBOURHOODS</b> Environmental Services (Public Protection)
<b>SUBJECT MATTER:</b>	<b>PUBLIC CONSULTATION ON THE STATEMENT OF GAMBLING PRINCIPLES</b>
<b>DATE OF DECISION:</b>	10 November 2021
<b>DECISION TAKER</b>	Councillor Allison Gwynne
<b>REPORTING OFFICER:</b>	Emma Varnam, Assistant Executive Director
<b>REPORT SUMMARY:</b>	This report outlines the need to review the attached draft policies and requests permission to start a period of consultation.
<b>RECOMMENDATIONS:</b>	That permission is granted to commence a period of consultation
<b>JUSTIFICATION FOR DECISION:</b>	The Gambling Act 2005 requires Local Authorities to refresh their policies within a statutory timeframe. Failure to do so could result in the Council acting unlawfully.
<b>ALTERNATIVE OPTIONS REJECTED (if any):</b>	Not consulting could result in a legal challenge to any decision made by the Council. Consulting will enable any alternative options proposed to be considered.
<b>CONSULTEES:</b>	Members of the public, elected members, holders of premises licenses potentially affected by the decision, all responsible authorities
<b>FINANCIAL IMPLICATIONS:</b> <b>(Authorised by Borough Treasurer)</b>	There are no direct financial implications arising from the report at this stage. However, Members will be advised of any subsequent implications once the outcome of the consultation is known.
<b>LEGAL IMPLICATIONS:</b> <b>(Authorised by Borough Solicitor)</b>	<p>The leading case of Gunning in 1985 set out the following requirements for a compliant consultation exercise:</p> <ul style="list-style-type: none"><li>• Must be at a time when proposals are still at a formative stage.</li><li>• Must give sufficient reasons for any proposal to permit of intelligent consideration and response</li><li>• Adequate time must be given for consideration and response.</li><li>• The comments from the consultation must be conscientiously taken into account in finalising any proposals</li></ul> <p>The main body of the report helpfully sets out how the consultation is to be conducted to ensure that the feedback is as meaningful as possible. An EIA should also be considered.</p> <p>The comments and suggestions from the consultation should be considered carefully by the decision makers as part of the</p>

	final decision making process again to ensure that a robust and transparent process has been undertaken.
<b>RISK MANAGEMENT:</b>	Failure to properly consult on these proposals could result in a challenge from the trade or their representatives through a judicial review. As part of the consultation exercise, an equalities impact assessment will be undertaken.
<b>LINKS TO COMMUNITY PLAN:</b>	The licensing of gambling premises and bookmakers contributes towards the Community Strategy theme of providing a safe environment
<b>REFERENCE DOCUMENTS:</b>	<p>The background papers relating to this report can be inspected by contacting the Report Writer, Emma Varnam, Assistant Executive Director (Operations and Neighbourhoods) by:</p> <p> Telephone: 0161 342 3337</p> <p> E-mail: <a href="mailto:emma.varnam@tameside.gov.uk">emma.varnam@tameside.gov.uk</a></p>

## **1. INTRODUCTION**

- 1.1 Licensing Authorities are obliged to review and revise their licensing policies on a regular basis. Regular reviews ensure that policies are kept up-to-date with any changes to legislation and that policies accurately reflect the aims, ambitions and working practices currently employed by the Authority.
- 1.2 The Gambling Act 2005 requires Licensing Authorities to publish a revised “Statement of Gambling Policy” at least every three years.
- 1.3 A period of 12 weeks to consult is considered appropriate in line with Government guidance. However, a shorter period is allowed where the authority can rationalise this. As there are no significant amendments the Statement of Gambling Policy, it is proposed that these policies will be subject to an 8 week consultation period prior to their adoption by the Council.
- 1.4 This report outlines the basic premise of each policy and concludes by requesting permission to start the consultation process for each policy.
- 1.5 It is important that the process of adopting the policies is transparent and subject to sufficient governance. A further report will be submitted to board at the conclusion of the consultation periods highlighting the key consultation responses and any suggested amendments, which should be made to the policies before they are put to full Council for approval.

## **2. STATEMENT OF GAMBLING POLICY – GAMBLING ACT 2005**

- 2.1 The Gambling Act 2005 is the primary legislation whereby Licensing Authorities issue licences to, and regulate licensed premises which are used for gambling activities, such as bookmakers, bingo premises, adult gaming centres etc.
- 2.2 The Gambling Act requires Licensing Authorities to publish a “Statement of Gambling Policy” every three years. The statement must outline the Authority’s policy in respect of the grant of licences, how the Licensing Authority will promote the three gambling licensing objectives, and on the Authority’s expectations of licence holders in promoting the licensing 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, and;
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.3 The existing Statement of Gambling Policy was last reviewed in 2019 and must be updated in 2022.
- 2.4 This year the ten Greater Manchester Licensing Authorities have agreed to take a common approach to refreshing their gambling policies and so our draft statement reflects the principles to be adopted across the Greater Manchester region. Key changes include:
  - New public health information
  - Enforcement section includes reference to Primary Authority register
  - Expectations on information to be included on plans accompanying applications
  - Enhanced considerations for applications including;
    - expectations of local area risk assessments

- operation of the premises consistent with the licensing objectives, including more detail around vulnerability to gambling-related harm;
- staffing provision
- data gathering and sharing
- Staff training
- Gaming machines and layouts
- Reference to entertainment bingo

2.5 The draft new Statement of Gambling Policy is attached at **Appendix 1**.

### **Consultation Strategy**

2.6 Section 349 of the Gambling Act 2005 provides that in preparing a revision of the statement of principles, the Authority shall consult with:

- The chief officer of police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- 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 this Act.

2.7 Written notification of the consultation will be sent to:

- Ward Members;
- Responsible Authorities under the Gambling Act 2005;
- Premises Licence Holders; and
- Public Health

2.8 Formal consultation via the Local Authority website to allow local residents, community groups, businesses and others to respond.

2.9 The intention is to carry out full public consultation for a period of 8 weeks between early November 2022 and early January 2022. Following any amendments and further approval by Board, the policy will then be put to full Council for a decision on adoption.

## **3. RECOMMENDATIONS**

3.1 As set out at the front of the report