

Report of the Chief Executive

Review of the Gambling Act Statement of Principles

1. Purpose of Report

To seek approval of the Council's draft revised Statement of Principles for statutory consultation.

2. Recommendation

The Committee is asked to RESOLVE that the draft of the revised Statement of Principles be approved for the purposes of statutory consultation.

3. Detail

Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act. The Statement of Principles must be reviewed every three years. The previous statutory three-year period began on 31 January 2022. Consequently, the authority must review the existing and adopt and publish a new Statement of Principles by 31 January 2025.

The Act obliges the licensing authority to consult widely on the revision of its licensing statement and, to enable that to be done effectively, the Council has established a list of consultees comprised of representatives of the various groups and bodies whose views will be sought. There are also a number of statutory consultees outlined in the Act. A link to the approved draft will be circulated to all of those so identified.

Members will also be aware that senior members and officers of all Nottinghamshire licensing authorities have been meeting to secure a co-ordinated approach to the new legislation. Considerable work has been undertaken by inter-authority groups to produce core documents common to the districts which reflect the statutory guidance. The draft revised Statement of Principles reflects the co-operation between the Nottinghamshire authorities.

A copy of Broxtowe's draft Statement of Principles is attached at **Appendix 1** and a copy will be placed on the Council's website as part of the consultation process. **Appendix 2** shows a proposed timescale for consideration of the document and its adoption in time for the revised policy to be implemented. An Equality Impact Assessment is attached at **Appendix 3** and a change table is attached at **Appendix 4**.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no anticipated financial implications for the Council's approved budget.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The relevant legislation is set out in the report, Section 349 of the Gambling Act 2005 (The Act) requires the Council in its role as Licensing Authority to prepare and publish a statement of the principles they propose to apply in exercising their functions under the Act. The statement of licensing policy must be reviewed and if necessary revised every three years with the Statement of Licensing Policy then being published.

The form of the statement of licensing policy or any revision is a matter for the Council however, this is subject to Regulations 4 to 6 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations 2006.

The Regulations set out the requirements for the content and form of the statement of licensing policy and the procedure to be followed in preparing and then publishing it. In accordance with these Regulations a minimum of 4 weeks is required between publication and the statement of licensing policy coming into effect. The publication of the statement of licensing policy must be advertised by publishing a notice in accordance with Regulation 7. The notice must specify the date on which the statement will be published, the date on which the statement will come into effect, the internet address where the statement will be published and the address which it will be available for inspection. The notice must be published no later than the first day on which the statement is published.

In preparing a statement of licensing policy or a revision to the statement, the Council must undertake the statutory consultation as provided by section 349(3) of the Act and any Regulations made under it. All consultation responses should be fully considered when forming the statement of licensing policy, this is in order to minimise the risk of legal challenge. In accordance with the Act, the Council must publish a statement of licensing policy. A failure to adopt and publish a statement of licensing policy will leave the Council open to a significant risk of challenge, including potential judicial review. The Council must also ensure that all aspects of the legislative process, as outlined above, are followed. Pursuant to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the Council's Gambling Policy is required to be part of the Council's policy framework and adoption of that Policy is within the remit of Licensing and Appeals.

6. Human Resources Implications

Not applicable

7. Union Comments

Not applicable

8. Climate Change Implications

The climate change implications are contained within the report.

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

As there is no change to policy an equality impact assessment is not required.

11. Background Papers

There are no background papers.