



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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**to  
COUNCIL  
21 MARCH 2024**

**GAMBLING ACT 2005 - STATEMENT OF GAMBLING POLICY**

**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to seek Members approval for the adoption of the reviewed Statement of Gambling Policy (**APPENDIX 1**) in respect of the Gambling Act 2005 (as amended)

**2. RECOMMENDATION**

That the Statement of Gambling Policy (**APPENDIX 1**) be adopted.

**3. SUMMARY OF KEY ISSUES**

**3.1 Background**

- 3.1.1 The Gambling Act 2005 requires each licensing authority to publish a Statement of Gambling Policy and to review that policy at least once every three years. The Policy sets out the principles the Council will apply in exercising its licensing functions under the Act.
- 3.1.2 The Policy recognises the licensing objectives set out in the Gambling Act 2005. The Council will not be promoting licensable activities or restricting opportunities for individuals to engage in such activities but will use the licensing controls to ensure the licensing objectives are met. The Council will seek, through the licensing process and the decisions it takes, to make the Maldon District a safe and welcoming place for both residents and visitors to enjoy.
- 3.1.3 The Government is in the process of undertaking a major reform of the Gambling Act, the changes are due to be announced in the Autumn of this year. This will require another review of the Policy as it will introduce major changes.
- 3.1.4 The Council's existing policy has become outdated, so a 'light touch' review has taken place in the interim. It is important to emphasise that this interim measure is not a comprehensive review but a necessary step to ensure compliance with the law.
- 3.1.5 The policy review reflects new requirements placed on licensees, including risk assessments (the Gambling Commission were keen for licensing authorities to reference this in their statement of licensing policies); deleting references to the Gambling Act being new legislation as it was introduced over a decade ago; and deleting duplication.

- 3.1.6 On 28 November 2023 the Licensing Committee approved that the current policy remained fit for purpose and with some minor amendments and that the public consultation process as presented, could commence. The consultation ended on 8 February 2024.
- 3.1.7 There are no material changes to the Policy or feedback received from the public consultation, so changes as part of this review have been tracked for ease of reference, a copy of the Policy is attached, **APPENDIX 1**.

## **4. CONCLUSION**

- 4.1 The Statement of Gambling Policy has been reviewed and updated as required by law. This was a 'light touch' review as an interim measure ahead of the Governments proposed changes to the Gambling Act 2005. A full review of the Policy will take place once the Government publish the proposed changes to the Act. No material changes to the Policy have been identified as part of this review.

## **5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2023 - 2027**

- 5.1 The Policy will contribute to the corporate goal of enabling, supporting and empowering communities to be safe, active and healthy.

### **5.2 Supporting our communities**

- 5.2.1 The policy sets out how the Council will prevent gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime. It will ensure that gambling is conducted in a fair and open way. The policy ensures that children and other vulnerable persons are protected from harm or being exploited by gambling.

### **5.3 Helping the economy to thrive**

- 5.3.1 This policy support businesses within the district that undertake / operate gambling activities.

### **5.4 Provide good quality services.**

- 5.4.1 The 'Gambling Policy' is a legally required policy.

## **6. IMPLICATIONS**

- (i) **Impact on Customers** – The Policy provides transparency of process to both applicants and stakeholders.
- (ii) **Impact on Equalities** – Implementation of the Policy provides protection so that all stakeholders are treated equitably. It ensures the process is transparent and stakeholders may take issue with the Council if it fails to follow the Policy.
- (iii) **Impact on Risk (including Fraud implications)** – It is important that the Policy is reviewed and updated so that it is current, reflects any legislative changes and is valid in terms of statutory requirements. This gives clarity

when determining licence applications and removes the risk of challenge or appeal.

- (iv) **Impact on Resources (financial)** – A sound and compliant Policy helps protect the Council from the costs associated with challenge and appeal.
- (v) **Impact of Resources (human)** – The review is met from existing resources. A sound and compliant Policy helps reduce the ongoing level of staffing input.

**Background Papers:**

Maldon District Council's Statement of Gambling Policy 2019-22

Gambling Act 2005 (as amended)

Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations

2006 Gambling Commission guidance

**Enquiries to:**

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