

To: Licensing and Gambling Acts Committee
Date: 3rd November 2021
Report of: Head of Service Regulatory Services and Community Safety
Title of Report: Statement of Gambling Licensing Policy

Summary and recommendations	
Purpose of report:	To agree the draft Statement of Gambling Licensing Policy following consultation
Corporate Priority	Vibrant Sustainable Economy
Policy Framework	Statement of Gambling Licensing Policy
Recommendation(s): That the Licensing and Gambling Acts Committee:	
<ol style="list-style-type: none"> 1. Consider any relevant responses to the consultation submitted to the Licensing Authority 2. Consider whether to recommend retention of a 'No Casino' Resolution 3. Agree the final draft Statement of Gambling Licensing Policy 4. Recommend the final draft of Gambling Licensing Policy to Council 	

Appendices	
Appendix 1	Draft Statement of Gambling Licensing Policy
Appendix 2	Appendix B of Gambling Commission Guidance Gaming Machines: Maximum Stakes and Prizes
Appendix 3	Consultation Responses from Responsible Authorities and Interested Parties
Appendix 4	Oxford City Council Local Area Profile

Introduction and background

1. The Committee is reminded that all Licensing Authorities have adopted a Statement of Gambling Licensing Policy. This Statement must promote the three licensing objectives of the Gambling Act 2005 (the 2005 Act), which are:
 - Preventing gambling from being a source of crime and disorder
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and vulnerable persons from being harmed or exploited by gambling

2. The Council is obliged to determine and publish the "Statement of Gambling Licensing Policy" and to keep it under review, and to renew the Policy at least every three years. In preparing the Statement, Licensing Authorities must follow the procedure set out in the 2005 Act, including who should be consulted. The Policy sets out how the Licensing Authority intends to exercise its functions under the 2005 Act.
3. The first Policy was implemented on 31st January 2007, and with it being renewed every 3 years, the current policy is due to expire in 2022, and the 2005 Act requires the Council to implement a new Policy by 31st January 2022.
4. The Gambling Commission issued revised Guidance in May 2021 to Licensing Authorities that includes revisions to statutory guidance that clarify the extent of discretion available to Licensing Authorities in exercising their powers and the benefits of partnership working.
5. The new Guidance also provides clarity on the importance of the Statement of Gambling Licensing Policy as a regulatory tool.
6. A renewed policy has been drafted taking into account the new Guidance. A copy of the recommended final draft Statement of Gambling Licensing Policy is attached at **Appendix One**.

Gambling Commission: Guidance issued to Licensing Authorities

7. In carrying out its functions the Licensing Authority must also have regard to the "Guidance issued to Licensing Authorities" by the Gambling Commission (being the unified regulator for gambling in Great Britain). Guidance was last published in April 2021 and last revised on 13th May 2021 (as per para 4. above) which is fully covered within our current Policy.
8. The Guidance prescribes what must be included in an Authority's Policy content in the interest of national consistency. The Council therefore has limited scope to make significant changes to the Statement of Gambling Licensing Policy. However where there are good reasons, the Policy can depart from the Guidance in order to reflect local circumstances.
9. The Guidance was updated in December 2020 to reflect the amendments to Gaming Machines: Maximum Stakes and Prizes. A copy of the guidance Appendix B showing these changes can be found at **Appendix Two**.

Functions of the Licensing Authority

10. The 2005 Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. Their main functions are to:
 - licence premises for gambling activities
 - consider notices given for the temporary use of premises for gambling
 - grant permits for gaming and gaming machines in clubs and miners' welfare institutes
 - regulate gaming and gaming machines in alcohol-licensed premises
 - grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
 - grant permits for prize gaming
 - consider occasional use notices for betting at tracks
 - register small societies' lotteries

11. Licensing Authorities also have an obligation to provide information to the Gambling Commission, including details of licences, permits and registrations issued by way of the submission to the Gambling Commission of an “annual return”.
12. Licensing Authorities also carry out inspections of licensed premises in order to ensure they are run in accordance with the three licensing objectives and the conditions applied to the licences. During the period since the last Statement of Gambling Licensing Policy 5 licensed premises were visited and no issues of non-compliance were found, and no complaints about these premises were received.
13. The COVID 19 pandemic restricted the amount of visits the Licensing Authority could make due to these premises being closed for significant period of time between March 2020 and August 2020.

Consultation on the Revised Draft Statement of Gambling Licensing Policy

14. Before determining the Statement of Gambling Licensing Policy, legislation requires the Licensing Authority to consult with persons as listed below:
 - 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 the Act

Previous versions of the Policy have satisfied this requirement by consultation with:

- Thames Valley Police
 - The Oxfordshire Safeguarding Children Board
 - The management of all premises in Oxford with Gambling Premises Licences
 - Gaming & Betting Organisations
15. The draft Statement of Gambling Licensing Policy consultation took place between 24th September 2021 and 15th October 2021. The relevant responses to the consultation submitted to the Licensing Authority are attached at **Appendix Three**.
The revised recommended final draft Policy contains changes on Page 27 showing the new map of Oxford due to the recent changes in Ward names and boundaries; Page 29 following an update on Gaming Machines: Maximum Stakes and Prizes. Page 33 was also amended to reflect the change of contact details for HMRC as a Responsible Authority.
 16. A review of the Local Area Profile resulted in amendments to some of the web links found on page 4, this was an update to websites rather than additional information or websites. A copy of the Local Area Profile can be found at **Appendix Four**.

No Casino Resolution

17. On 20th November 2006 following a recommendation by the Licensing and Gambling Acts Committee, Full Council passed a ‘No Casino’ resolution (in accordance with S.166 of the 2005 Act). The resolution was renewed in 2018 on last review of the Statement of Gambling Licensing Policy. This has the effect that the Licensing Authority will not consider any application for a casino premises

licence. Any application received will be returned with a notification that a 'no-casino' resolution is in place.

18. As Oxford was not one of the 17 locations chosen by Government for a casino to be sited (17 being the maximum number of locations permitted), unless the 2005 Act changes Oxford is not able to consider applications for casinos.
19. A 'No Casino' resolution expires three years after it is made, unless Council resolves to renew it. Members of this Committee are asked as a matter of good process (even though Oxford is not able to receive applications for casinos) to consider whether such a Resolution should be retained, and if so, to recommend such to Council.
20. To assist this Committee, when the Policy was last reviewed in 2018, the Committee resolved to maintain the "No Casino" Resolution in order to 'future-proof' any potential changes to the 2005 Act.

Financial implications

21. Any financial implications regarding this matter are covered within existing budgets.

Legal issues

22. Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy every 3 years. The next Statement must be published by 31st January 2022.
23. Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Policy.
24. The form and procedure for formulating the policy are provided by the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006/636

Recommendations

25. The Committee is recommended to:
 - Consider any relevant responses to the consultation reported to the Committee
 - Consider whether to recommend retention of a 'No Casino' Resolution
 - Agree the final draft Statement of Gambling Licensing Policy
 - Recommend the final draft of Gambling Licensing Policy to the Council

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