

EXECUTIVE DECISION

made by a Cabinet Member



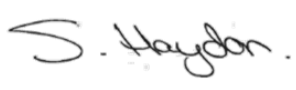
REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – CSLCC04 24/25

Decision	
1	Title of decision: Gambling Act 2005 Statement of Principles (Gambling Policy) - Three Year Review
2	Decision maker (Cabinet member name and portfolio title): Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Events, Cemeteries and Crematoria)
3	Report author and contact details: Katharine O'Connor, Head of Food, Safety and Misc Licensing 01752304142/ katharine.o'connor@plymouth.gov.uk
4	<p>Decision to be taken:</p> <p>Authority for the licensing Department to commence consultation of the draft Plymouth City Council Gambling Policy Statement with statutory consultees.</p> <p>To note that a further comprehensive review of the Policy will be required upon publication of updated legal guidance from the Gambling Commission.</p>
5	<p>Reasons for decision:</p> <p>The Cabinet Member for Community Safety, Libraries, Events, Cemeteries and Crematoria is asked to consider the proposal to consult with Statutory Consultees on the Gambling Statement of Licensing Policy.</p> <p>Plymouth City Council's Gambling Statement of Licensing policy came into effect in 2022. There is a legal requirement to review the Gambling Statement of Licensing policy every three years, so the review is now due.</p> <p>The current policy has been reviewed and at this time, there are no required changes after considering current Gambling Commission Guidance and case law.</p> <p>As background, the Council is aware that substantial changes to the Guidance to Local Authorities from the Gambling Commission are anticipated soon and it is expected that these changes will necessitate a more comprehensive review of the policy earlier than 2028 review.</p> <p>In order to comply with the three-year review, permission is sought to consult on the reviewed policy.</p> <p>This Policy is a statutory requirement under the Gambling Act 2005 and will ensure that the Council carries out its Gambling Licensing responsibilities in a fair, equitable, transparent and consistent manner.</p> <p>This decision will ensure all relevant stakeholders are consulted as required under the Gambling Act 2005.</p> <p>Once the consultation is completed, the policy will be considered at a City Council meeting for approval.</p>
6	<p>Alternative options considered and rejected:</p> <p>None available – This is required under the Plymouth City Council Constitution and a three-year review is a statutory requirement under the Gambling Act 2005 and Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006/636).</p>

7	Financial implications and risks: Consultation costs and officer time will be met in full from Gambling Act 2005 applications and renewal fees income.			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice) Please type an X into the relevant boxes	Yes	No	Per the Constitution, a key decision is one which:
			X	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			X	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million annually
			X	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
	If yes, date of publication of the notice in the Forward Plan of Key Decisions	N/A		
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	This is a statutory policy which the Council must have to determine applications made under the Gambling Act 2005. The policy supports the themes of Economic Growth, Local Community and Health & Wellbeing.		
10	Please specify any direct environmental implications of the decision (carbon impact)	None.		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public? Please type an X into the relevant box	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			

	Print Name:			
Consultation				
I3a	Are any other Cabinet members' portfolios affected by the decision? Please type an X into the relevant box	Yes		
		No	X	(If no go to section I4)
I3b	Which other Cabinet member's portfolio is affected by the decision?	N/A		
I3c	Date Cabinet member consulted	N/A		
I4	Has any Cabinet member declared a conflict of interest in relation to the decision? Please type an X into the relevant box	Yes		If yes, please discuss with the Monitoring Officer
		No	X	
I5	Which Corporate Management Team member has been consulted?	Name	Professor Steve Maddern	
		Job title	Director of Public Health	
		Date consulted	31 January 2025	
Sign-off				
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	JS104 24/25	
		Finance (mandatory)	OW.24.25.036	
		Legal (mandatory)	IW 24.02.25 (4420)	
		Procurement (if applicable)	N/A	
		Corporate property (decisions involving Council owned land or facilities) (if applicable)	N/A	
		Human Resources (if applicable)	N/A	
Appendices				
I7	Ref.	Title of appendix		
	A	Briefing report for publication		
	B	Equalities Impact Assessment		
	C	Gambling Policy 2022-2025		
Confidential/exempt information				
I8a	Do you need to include any confidential/exempt information?	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for

	Please type an X into the relevant box	No	X	publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision, I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act (2010) and those who do not. For further details please see the EIA attached.							
Signature			Date of decision	25 February 2025				
Print Name	Councillor Sally Haydon							

I. Background

- 1.1 During the summer of 2023, the Gambling Commission and HM Government launched a series of public consultations regarding a substantial number of proposed amendments to gambling regulation across the UK.
- 1.2 Several of the proposed amendments discussed in the consultations have the potential to significantly impact local authority gambling regulation. However, the Gambling Commission has since confirmed that it is still reviewing the responses it has received and will not be able to amend the Statutory Guidance to Local Authorities before the deadline for the review of the Plymouth City Council Statement of Gambling Policy.

2. Gambling Act 2005 - Statement Renewal and Guidance

- 2.1 As required by the [Section 349 \(1\) of The Gambling Act 2005](#), each Licensing Authority must renew their Statement of Gambling Policy every three years. The renewal date for this current cycle is January 2025. According to [Section 349 \(2\) of The Gambling Act 2005](#) the Authority must keep this policy under review and make any necessary revisions during each three-year period.
- 2.2 Due to the ongoing consultations regarding amendments to the Gambling Act, the Gambling Commission has been unable to amend the Statutory Guidance to Licensing Authorities (GLA) in time to allow for the incorporation of these changes into Plymouth's updated Statement of Gambling Policy. Plymouth City Council delayed the renewal process in anticipation of the new guidance and it is acknowledged that the January 31st 2025 timeline has not been met.
- 2.3 While it is important to note that the timing of updates is a matter for local determination, the Commission suggests that the Statement is refreshed in line with the current requirements of the Act so that it remains enforceable from January 2025. Once the revised GLA is published, it can be included in a future refresh of the Statement. Authorities are permitted to revise their Statement within the three-year cycle if needed.

(Source: Institute of Licensing News, 15/04/2024)
- 2.4 Although the conclusion of the formal renewal processes has been delayed in anticipation of the updated guidance, a review of the Statement of Licensing Policy was conducted in 2024, during which the only minor amendment identified which was to update the list of Responsible Authorities Contacts details shown in Appendix A, page 46 of the [Gambling Policy 2022-2025](#).
- 2.5 It is recommended that the draft policy be shared with the statutory consultees for comment, as required by [Section 349 \(3\) of The Gambling Act 2005](#). However, it is not necessary to subject the policy to a public consultation at this stage. Notices will be placed on the Plymouth City Council website and on the Council House Notice Board.
- 2.6 This current review and the proposed consultation with statutory consultees only will ensure that Plymouth City Council remains compliant with the Gambling Act 2005's requirement to review the Statement of Licensing Policy every three years. Additionally, it allows for further review once the amended Gambling Commission guidance is published.

3. Statutory Consultees

- 3.1 The consultation process will provide the following statutory consultees the opportunity to comment:
 - Devon and Cornwall Constabulary
 - Office of Director of Public Health
 - Plymouth City Council Environmental Health Team
 - Gambling Commission
 - Local businesses registered with Plymouth City Council as Gambling establishments

4. Proposed Timeline for Consultation and Approval of the Draft Licensing Policy

- The proposed timeline for the formal process is:

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- By 26 February 2025, Portfolio holder to have signed off Executive Decision to consult statutory consultees on the draft policy.
- Statutory Consultee Consultation commences by 4 March 2025 and concludes by 14 March 2025.
- 17 March 2025 City Council meeting to consider and approve the amended policy.
- 18 March 2025 the proposed amended policy is set to come into effect.