



Gambling Act 2005 - Statement of Principles

2022 - 2025

Corporate Priority:	Delivering excellent services positively impacting on our communities
Relevant Ward Member(s):	All Wards
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 To invite members to consider and approve the Gambling Act 2005 Statement of Principles 2022-2025 and publish for consultation.

2 Recommendation(s)

That Committee:

- 1. Approves commencement of a consultation process in respect of the revised Gambling Act 2005 Statement of Principles.**
- 2. Delegate authority to the Director for Growth & Regeneration in consultation with the Portfolio holder for Climate, Access and Engagement to resolve any objections received and to implement the updated Statement of Principles**

3 Reason for Recommendations

- 3.1 Under the Gambling Act 2005 the Council is responsible for preparing a Statement of Principles setting out how it exercises its various responsibilities in terms of issuing premises licences, liaising with the Gambling Commission (a national co-regulator), carrying out its enforcement functions and issuing permits for small-scale gambling such as machines in alcohol-licensed premises and registering small society lotteries. The Council has the legal responsibility to review its Statement of Principles, under the Gambling Act 2005, every three years, the current Statement due to end in January 2022.

- 3.2 The Act places a duty on the Council to develop a Statement of Principles that promotes the three 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.
- 3.3 After consultation, and if no major amendments are to be made following consideration of responses, this Statement of Principles would take effect from 31st January 2022.

4 Background

- 4.1 The Gambling Act 2005 sets out how gambling in England and Wales is regulated. It came fully into force in September 2007, and covers arcades, betting, bingo, casinos, gaming machines, society lotteries, and remote gambling (including online gambling). It also created and set the functions and objectives of the Gambling Commission as the principal regulator. In 2014, it was amended to cover all online gambling companies who offer gambling to customers in England and Wales, wherever they are based.

5 Main Considerations

- 5.1 Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which a policy applies. The Statement must be produced following consultation with the bodies specified in section 349(3) of the Gambling Act. In addition to the legislative requirements, guidance issued by the Gambling Commission sets out certain information that the Commission consider should be included in all licensing authority Statements of Policy.
- 5.2 The gambling commission has produced guidance documents to assist local authorities in reviewing their 'Statement of Principles' and that has been considered as the basis for this review.
- 5.3 The Statement of principles has been reviewed in line with the guidance, updating minor changes and reordering the statement to make it easier to comprehend.

6 Options Considered

- 6.1 The requirement to review the 'Statement of Principles' and publish every 3 years is a legal requirement under the Gambling act 2005 and therefore the council would not be undertaking its statutory function and could be open to legal challenge if it failed to do so.

7 Consultation

- 7.1 Consultation is to take place in accordance with the Gambling Act 2005 which specifies a wide range of bodies required to be consulted and requirements for publicity (see appendix A).
- 7.1.1 The consultation is for a 4 week period which will be advertised between 2nd December 2021 and 30th December 2021.
- 7.2 Consultees are requested, where possible to provide any responses or comments prior to the 30th December 2021.

8 Next Steps – Implementation and Communication

- 8.1 If agreed by the Licensing committee, the revised Statement of Principles will be published and sent out for consultation locally and to a list of consultees at **Appendix B**

9 Financial Implications

- 9.1 There are no financial implications with this report.

Financial Implications reviewed by: David Scott – Corporate Services Manager (deputy s151 officer)

10 Legal and Governance Implications

- 10.1 This policy has been written in accordance with the Council's responsibilities under the Gambling Act 2005.

- 10.2 The Gambling Act 2005 requires that the Council publish a 'Statement of Licensing Principles'. Failure to publish a statement would mean the Council has fallen foul of its statutory duty and therefore open to challenge.

Before determining its policy for any three-year period, the Licensing Authority must consult the persons listed in section 349(3) of the Act. The Statutory Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation review exercise with anyone who may be affected by or otherwise have an interest in the Statement of Policy. Legal Implications reviewed by: **Senior Solicitor**

11 Equality and Safeguarding Implications

- 11.1 In this process no adverse impacts on protected characteristics have been identified.

12 Community Safety Implications

- 12.1 Consultees include third party agencies like the police and local gambling charities and they will be given the opportunity to comment.

13 Environmental and Climate Change Implications

- 13.1 There are no implications for Climate Change.

14 Other Implications (where significant)

- 14.1 The policy may reduce the risk of harm from gambling activity by influencing the content of the risk assessments carried out by licensed premises

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Legal challenges if fail to publish review	Significant	Marginal	M

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant		1		
	3 Low				
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	Consult, review and publish the revised gambling statement of principles

16 Background Papers

16.1 Current Gambling act Statement of principles 2019 - 2022

16.2 [Gambling Commission Guidance to licensing authorities May 2021](#)

16.3 [Gambling Commission Licence Conditions and Code of Practice Oct 2020](#)

17 Appendices

17.1 Draft - Gambling act Statement of principles 2022 - 2025

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