



Gambling Act 2005 - Statement of Principles 2022 - 2025

Corporate Priority:	Medium
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 after consultation and publish prior to implementation.

2 Recommendation

That Council:

Following public consultation between 2nd December 2021 and 10th February 2022, approves the Gambling Act 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 dating from January 2007.
- 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 6 June 2022

3.4 The draft Gambling Statement of principles has been considered by the Licensing committee and approved for public consultation for 10 weeks. Following the consideration of the responses received the final draft gambling act statement of principles 2022 – 2025 is put before Members today. The only change to the Statement of Principles is highlighted at 2.1 of **APPENDIX A**.

3.5 The existing Gambling statement of principles expired on 31st January 2022

4 Background

4.1 The Gambling Act 2005 sets out how gambling in United Kingdom 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 the United Kingdom, 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.

6 Options Considered

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

7 Consultation

7.1 Consultation has taken place in accordance with the Gambling Act 2005 which specifies a wide range of bodies required to be consulted and requirements for publicity.)

7.1.1 The consultation was for a 10-week period advertised between 2nd December 2021 and 10th February 2022.

7.1.2 We have received just one representation from the Betting & Gaming Council and suggested an additional paragraph that conditions only be applied where there is clear evidence of risk to the licensing objectives. See **APPENDIX B**.

7.1.3 The statement of principles you have before you has taken the comments into account.

8 Next Steps – Implementation and Communication

8.1 If agreed by full council the revised Statement of Principles will be published for 4 weeks and then become live on 6th June 2022.

9 Financial Implications

9.1 There are no financial or other resource implications.

Financial Implications reviewed by: Director for Corporate services

10 Legal and Governance Implications

10.1 It is a statutory requirement that a Gambling Act 2005 Statement of Policy is reviewed every three years following a public consultation.

10.2 Section 349(1) of the Gambling Act 2005 requires that the Council prepares and publishes a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

10.3 The Statement must be produced following consultation with those bodies and persons set out in s.349(3) of the Act. Regulations made by the Secretary of State prescribe the form of the Statements and the procedure to be followed in relation to them and their publications.

10.4 Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Statement of Licensing Policy risk assessment

Legal Implications reviewed by: Monitoring Officer

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

13 Environmental and Climate Change Implications

13.1 There are no implications for Climate Change.

14 Other Implications (where significant)

14.1 There are no other implications identified.

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	Approve and publish the revised gambling statement of principles.

16 Background Papers

- 16.1 Response from Betting & Gaming council solicitors.
- 16.2 Current Gambling act Statement of principles 2019 - 2022
- 16.3 [Gambling Commission Guidance to licensing authorities May 2021](#)
- 16.4 [Gambling Commission Licence Conditions and Code of Practice Oct 2020](#)

17 Appendices

- 17.1 **APPENDIX A.** Gambling Act 2005 Statement of Principles after consultation
- 17.2 **APPENDIX B.** Response from Betting & Gaming Council solicitors.

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