

Gambling Act 2005 - Statement of Principles 2025 - 2028

Report Author:	Simon Greensmith , Licensing & Compliance Officer (Business Advisor: Licensing) (SG) Tel: 01664 502384 sgreensmith@melton.gov.uk
Chief Officer Responsible:	Caroline Bruce , Interim Director for Growth and Regeneration 01664 504232 cbruce@melton.gov.uk
Lead Member/Relevant Portfolio Holder	Cllr Steve Carter

Corporate Priority:	Delivering excellent services positively impacting on our communities
Wards Affected:	(All Wards);
Date of consultation with Ward Member(s):	N/A
Exempt Information:	N

1 Summary

- 1.1 To invite members to consider and approve the Gambling Act 2005 Statement of Principles 2025-2028 and publish for consultation.
- 1.2 The current policy has not caused any problems since it came into effect in February 2022 however slight amendments have been made to address changes for the Licensing Authority and a new section has been included to include information from the Public Health Team and their findings in their recent 'Gambling Harms Needs Assessment'. Applicants are asked to take this into account when submitting their applications.
- 1.3 Our Public Health colleagues, although not a prescribed Responsible Authority have a role to play in the licensing of gambling premises. The Local Government Association (LGA) in conjunction with Public Health England published [Tackling gambling related harm - A whole council approach](#)

RECOMMENDATION(S)

That the 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 Chair of the Alcohol and Gambling Licensing Committee to resolve any objections received and to recommend approval of the updated Statement of Principles to Full Council.**

2 Reason for Recommendations

- 2.1 Under the Gambling Act 2005 the Council must prepare 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 a duty to review its Statement of Principles under the Act every three years, the current Statement due to end in January 2025.
- 2.2 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.
- 2.3 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 2025.

3 Background

- 3.1 The 2005 Act 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.

4 Main Considerations

- 4.1 Section 349 of the 2005 Act 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 2005 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.

- 4.2 The Gambling Commission Bulletin issued to Local Authorities in December 2023 stated: 'Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement. Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025. Thereafter we will publish a revised GLA which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale.'
- 4.3 The Gambling Commission are in the process of updating their 'Guidance issued to Local Authorities' as a result of the recommendations made as part of their submission to the Government and the publication of the white paper 'High Stakes: Gambling reform for the Digital Age' - High Stakes: High Stakes: Gambling Reform for the Digital Age - April 2023 (White Paper).
- 4.4 The Statement of principles has been reviewed in line with the guidance issued in 2021, updating minor changes and reordering the statement to make it easier to comprehend.

5 Options Considered

- 5.1 The requirement to review the 'Statement of Principles' and publish every 3 years is a legal requirement under the 2005 Act and therefore the Council would not be complying with its statutory duty, could be open to legal challenge if it failed to do so and any such failure could impact on its ability to defend an appeal against a decision made under the Act.

6 Consultation

- 6.1 Consultation is to take place in accordance with the 2005 Act which specifies a wide range of bodies required to be consulted along with requirements for publicity (see appendix A).
- 6.1.1 The consultation is for a 4 week period which will be advertised between 29th August 2024 and 26th September 2024.
- 6.1.2 Consultees are requested, where possible to provide any responses or comments prior to 26th September 2024.

7 Next Steps – Implementation and Communication

- 7.1 If agreed by the Licensing committee, the revised Statement of Principles **Appendix A** will be published and sent out for consultation locally and to a list of consultees. Following that response Full Council must consider these and adopt the final Statement of Principles.

8 Financial Implications

- 8.1 There are no financial implications with this report.

Financial Implications reviewed by: Director for Corporate Services

9 Legal and Governance Implications

- 9.1 Section 349 of the Gambling Act 2005 requires the Council to prepare a statement of the principles that it intends to apply in exercising its functions under the Act for each three-year period and to publish that statement.
- 9.2 The Act also delegates all of a local authority's functions under it to the Committee established under section 6 of the Licensing Act 2003, except for three specific functions

which are reserved. One of those functions is the approval of the statement of principles which is not delegated to the 2003 Act committee and may not be delegated. This means that the Statement of Principles may only be approved by Full Council. As with any function which is reserved to the Council or its committees, this function can not be exercised by the Cabinet or a member of it.

- 9.3 Before determining its policy for any three-year period, the Council as Gambling 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: Monitoring Officer.

10 Equality and Safeguarding Implications

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

11 Data Protection Implications (Mandatory)

A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks to the rights and freedoms of natural persons arising directly as a result of this report.

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 [Gambling-act-statement-of-principles-2022-2025.pdf](#) (Current)
- 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 Appendix A Draft - Gambling Act Statement of principles 2025 – 2028.