

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES 2025 – 2028

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Chief Officer Responsible:	Caroline Bruce , Interim Director for Growth and Regeneration [Telephone] [Email]
Lead Member/Relevant Portfolio Holder	Councillor Steve Carter, Chair of Licensing Committee (Alcohol & Gambling)

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:	No

1 Summary

- 1.1 To invite members to consider and approve the Gambling Act 2005 Statement of Principles 2025-2028 after consultation and to publish it prior to implementation.
- 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 reflect address changes for the Licensing Authority and a new section has been added 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](#).

2 Recommendations

That Council:

- 2.1 **Approves the Gambling Act Statement of Principles 2025 – 2028, following public consultation between 29 August and 26 September 2024.**

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 functions, including 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 is due to end in January 2025.
- 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, as no major amendments are to be made following consideration of responses, this Statement of Principles would take effect from 31 January 2025.

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 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.'

5.3 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)

5.4 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.

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 took 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 was for a 4 week period which was advertised between 29 August 2024 and 26 September 2024.

7.1.2 Consultees were requested to provide any responses or comments prior to the 26 September 2024

7.1.3 There were 2 responses, one from The Lotteries Council saying they had considered the revision and had no comments to make.

7.1.4 The second was from Leicestershire & Rutland safeguarding Partnerships, they had no comments to make but provided links to the Safeguarding Children and Safeguarding adults procedure manuals.

7.1.5 This was considered by the Interim Director for Growth & Regeneration in consultation with the Licensing Committee (Alcohol and Gambling) Chair and links were not included in the Statement of Principles but have been added to the Gambling information on the council's website.

8 Next Steps – Implementation and Communication

8.1 If agreed by full Council, the revised Statement of Principles **Appendix 1** will be published for 4 weeks and then become live on 31 January 2025 and have effect until 30 January 2028 or such earlier time as the Council reviews it.

9 Financial Implications

9.1 There are no financial implications with this report.

Financial Implications reviewed by: Director of Corporate Services

10 Legal and Governance Implications

10.1 This policy has been drafted to take account of the Council's various responsibilities under the Gambling Act 2005, taking into account the statutory guidance issued under the Act.

10.2 The 2005 Act requires the Council to prepare and publish a 'Statement of Licensing Principles' before each successive period. Failure to prepare and publish a statement would mean that the Council has failed in its statutory duty and therefore, should it make any determination under the Act without having done so could leave that decision open to challenge.

10.3 Before preparing its policy for any three-year period, the Council 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.

10.4 The function of preparing its statement of licensing policy may not be delegated by the Council and therefore the policy must be approved by Full Council. As the Committee responsible for the exercise of the Council's functions under the Act, the Alcohol and Gambling Licensing Committee considered the draft policy at its meeting in August.

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 Data Protection Implications (Mandatory)

12.1 A Data Protection Impact Assessments (DPIA) has not been completed for the following reasons because there are no risks to the rights and freedoms of natural persons arising directly from this report.

13 Community Safety Implications

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

14 Environmental and Climate Change Implications

14.1 There are no implications for Climate Change.

15 Other Implications (where significant)

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

16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	An approved policy will continue to reduce the risk of reputational damage arising from inconsistent decisions or a lack of transparency.	Significant	Marginal	Medium

		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

17 Background Papers

- 17.1 [Gambling-act-statement-of-principles-2022-2025.pdf](#) (Current)
- 17.2 [Gambling Commission Guidance to licensing authorities May 2021](#)
- 17.3 [Gambling Commission Licence Conditions and Code of Practice Oct 2020](#)

18 Appendices

- 18.1 Appendix 1 - Draft - Gambling Act 2005, Statement of Principles 2025 – 2028