

GAMBLING ACT 2005 – DRAFT STATEMENT OF PRINCIPLES 2022-2025

Enter title of relevant Cabinet Member

Date: 27 September 2021

Agenda Item:

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Key Decision? **YES NO (delete as appropriate)**

Local Ward Members If any Wards are particularly affected insert the name of the Ward Members and their Ward. Ensure that the Ward Members have been consulted.



REGULATORY & LICENSING COMMITTEE

1. Executive Summary

- 1.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. A new statement must be published at least every three years.
- 1.2 This report seeks approval for consultation on the draft Statement of Principles 2022-2025.

2. Recommendations

- 2.1 Members are asked to consider and approve the draft Gambling Act Statement of Principles for consultation.
- 2.2 That the Chair of this committee, together with the Head of Regulatory Services, Housing and Wellbeing is authorised to consider any responses to the consultation before submitting to Full Council for adoption.

3. Background

- 3.1 Under the Gambling Act 2005 the Council is the Licensing Authority and is responsible for licensing and overseeing local gambling establishments, issuing and enforcing licences, permits and notifications under the Act.
- 3.2 Section 349 of the Gambling Act 2005 requires that the Licensing Authority prepares and publishes a Statement of Principles that they propose to apply in exercising their functions under the Act. The Act states that in preparing the Statement, the Licensing Authority shall consult with the Police, persons representing persons carrying on gambling businesses and those affected by such businesses.
- 3.3 There are legally prescribed procedures that the council must follow before the policy statement can take effect. This involves making the statement publicly available by a variety of means for at least 4 weeks and by advertising that it has been published. The policy statement must be adopted by full Council. It is proposed to consult on the draft Statement (Attached as Appendix A) between 11 October and 19 November, allowing 6 weeks for consultation.
- 3.4 In formulating the statement, the Authority must have regard to the Gambling Act guidance issued by the Gambling Commission (last updated in May2021) and the responses from those consulted on the policy.

- 3.5 The statement, once adopted, will be the guiding principle for use by members and officers when applying the Act. The statement must be particular to the local authority and be formulated to achieve the government's three core aims of:
- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.6 The Council's current Gambling Act policy statement came into effect on the 31 January 2019 and will cease to have effect on the 30 January 2022. The draft Statement has been reviewed and updated to produce a draft revised statement of principles. There have been no major changes in the legislation and no issues in Lichfield District since the last review 3 years ago. Therefore only minor revisions have been made to the substance of the statement, in line with the current guidance issued by the Gambling Commission.
- 3.7 Officers have taken the opportunity to clarify some of the requirements and improve the layout and style of the statement to improve its accessibility and make easy to understand.
- 3.8 References that don't apply within the district- e.g airports and cruise vessels have been deleted and some duplication has been removed.

Alternative Options	1. There is a legal requirement under the Gambling Act 2005 to prepare a Statement of Principles following a widespread consultation. Therefore no alternative options were considered.
Consultation	1. The Licensing Authority must consult all those involved directly with the gambling industry as well interested parties including, local partnership groups, residents' associations, faith groups and youth organisations. Although the draft document is aimed mainly at the industry, including those that operate licensable activities, the views of all Council Members, members of the public, interested parties and regulatory agencies will be sought.
Financial Implications	1. There are no additional financial implications arising from this report.
Approved by Section 151 Officer	Yes/ no *
Legal Implications	1. The statement is produced in accordance with the legal requirements of the Gambling Act 2005 and taking account of the latest Gambling Commission Guidance.
Approved by Monitoring Officer	Yes/ no *
Contribution to the Delivery of the Strategic Plan	1. This statement makes a contribution to enabling people.
Equality, Diversity and Human Rights Implications	1. The statement of principles recognises the need to protect children and vulnerable people, including people with learning disabilities from the potential harm of gambling.
Crime & Safety	1. The statement impacts positively on our duty to prevent crime and disorder within the District (Section 17 of the Crime and Disorder Act, 1988).

Issues	
Environmental Impact	1. There is no environmental impact from this decision.

GDPR / Privacy Impact Assessment	1. The statement recognises the need to exchange information in accordance with GDPR.
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	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Statement not agreed before expiry date	Red	Timetable to allow for process to be complete	Green
B				
C				
D				
E				

	<p>Background documents</p> <p>Gambling Commission – Guidance to Licensing Authorities 5th Edition.</p> <p>Guidance to licensing authorities (gamblingcommission.gov.uk)</p>
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	<p>Relevant web links</p> <p>Any links for background information which may be useful to understand the context of the report</p>
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