

Licensing Committee Report

Ward(s) affected: All

Report of the Director of Service Delivery

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: James Steel

Tel: 07518 995615

Email: james.steel@guildford.gov.uk

Date: 26 May 2021

## **Gambling Act 2005: Statement of Principles 2022-25**

### **Executive Summary**

The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a Statement of Principles every three years. The existing Statement of Principles was published in January 2019 and is due for renewal by January 2022.

A Statement of Principles has been prepared and is included in Appendix 1.

The Council has a duty to consult on the proposed policy and officers are seeking approval to conduct the consultation.

Following consultation, a further report will be presented to the Licensing Committee on 24 November 2021 with the results of the consultation and seeking approval to the draft Statement of Principles for adoption at Council on 7 December 2021.

### **Recommendation to Licensing Committee**

That the Committee approves the draft Gambling Act 2005 Statement of Principles 2022-25 for public consultation and instructs officers to carry out the consultation over a 12-week period.

#### Reason for Recommendation:

To comply with the requirements of the Gambling Act 2005 the Council must prepare and consult on a statement of principles for the period 2022-25.

To obtain the views of interested parties on the proposed statement of principles and use these views to formulate any changes to the policy.

## 1. Purpose of Report

- 1.1 The report informs the Committee of the background and proposed statement of principles.
- 1.2 It asks the Committee to approve a public consultation exercise on the proposed statement of principles in Appendix 1

## 2. Strategic Priorities

- 2.1 Reviewing the Gambling Act 2005 Statement of Principles will contribute to our fundamental themes and priorities as follows:
  - **Place making** – ensuring safe gambling activities in the Borough through a well-regulated provision.
  - **Innovation** – using new ways of working to improve efficiency.
- 2.2 The statement of principles balances the right of an applicant to make an application under the Gambling Act 2005 (the Act) and to have the application considered on its merits, against the right of any person to make representation on an application or to seek a review of an existing licence.
- 2.3 An appropriate balance will ensure that gambling businesses are provided with a framework within which to operate whilst providing assurance to the public and protecting children and vulnerable persons.

## 3. Background

- 3.1 The Council is the licensing authority for the purposes of the Act which requires the Council to prepare a Statement of Gambling Principles that it proposes to apply in exercising its functions under the Act.
- 3.2 The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting 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
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 The Act was designed to be a light touch piece of legislation covering a wide range of licensable activities such as adult gaming centres and betting premises.
- 3.4 The Act specifies that Local Authorities should “aim to permit” gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in

accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by starting out to prevent it altogether.

- 3.5 The current Statement was adopted by Council in December 2018, with the renewal date being January 2022.

#### **4. Proposed changes**

- 4.1 The current statement was comprehensively reviewed in 2018 to reflect the updated Guidance published by the Gambling Commission (5<sup>th</sup> Edition, September 2015) and to include a Local Area Profile for Guildford. There has not been any further update in Guidance from the Commission since this publication. As such, there are no changes proposed to the current Policy.
- 4.2 In addition, due to the demands on the Council in transitioning under the Future Guildford review, responding to the Covid-19 pandemic a lack of resource available in the Council to update the GIS maps in the Local Area Profile and other current pressures on the licensing service any significant changes to the Policy would be difficult to implement under the current circumstances.

#### **5. Consultation**

- 5.1 Whilst there are no changes proposed to the Statement of Principles, the Council still has a duty to consult on the revision and it is important that consultation takes place to ensure to the Statement of Principles is clear and transparent for businesses, responsible authorities and the public, and to seek views on any suggestions for amendments that consultees may have.
- 5.2 The legislation specifies those persons and groups that the Council has a duty to consult with.
- 5.3 If the Committee approves the proposed Statement of Principles, we will follow our consultation standards over a 12-week period to ensure we consult with all the statutory consultees and will be:
- Writing to the chief officer of police
  - Publicising the consultation on the Council's website
  - Writing to or emailing the responsible authorities listed in Appendix B of the Statement of Principles
  - Writing to or emailing the consultees listed in Appendix C of the Statement of Principles who are either people representing the interests of persons carrying on gambling businesses or persons who may be affected.
  - Using the Council's website and social media to inform the public of the consultation.
- 5.4 We will then analyse the comments, prepare any changes considered appropriate to the Statement of Principles for final approval and present a further

report to the Licensing Committee on 24 November 2021 for recommendation to Full Council on 7 December 2021.

## **6. Equality and Diversity Implications**

- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 6.4 There are no equality and diversity implications arising from the review of the Gambling Act Policy, which will be subject to public consultation with all stake holders.

## **7. Financial Implications**

- 7.1 Under the Act, the Council has the power to recover its costs and set fees and charges at such a level that the licensing process is cost neutral to the Council.
- 7.2 The financial implications associated with the revision of the Statement of Principles can be financed from the Licensing budget.

## **8. Legal Implications**

- 8.1 Section 349(1) of the Gambling Act 2005 requires the Council, as licensing authority, to prepare and publish a statement of principles to cover each successive period of three years. Section 349(2) requires the Council to review the statement from time to time, revise the statement if thought necessary as a result of the review and publish the revision before giving effect to it.
- 8.2 In preparing the statement, the Council must consult the following people for its area:
  - a) The chief officer of police
  - b) People representing the interests of persons carrying on gambling businesses

- c) Persons who represent the interests of persons who are likely to be affected by the Council exercising its functions under the Act
- 8.3 Before a statement or revision comes into effect, the regulations require licensing authorities to publish a notice of their intention to publish a statement or revision. The notice must:
- specify the date on which the statement or revision is to be published
  - specify the date on which the statement or revision will come into effect
  - specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected
  - be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect:
    - a local newspaper circulating in the area covered by the statement
    - a local newsletter, circular, or similar document circulating in the area covered by the statement
    - a public notice board in or near the principal office of the authority
    - a public notice board on the premises of public libraries in the area covered by the statement.
- 8.4 Upon recommendation from the Licensing Committee, the revised Statement of Principles will be presented for approval at Full Council on 7 December 2021.

## **9. Human Resource Implications**

- 9.1 The Future Guildford review has introduced wider changes to the Council's structure, including a reduction in the current Licensing resource, although the creation of a number of other potential resources yet to be realised in the Case Services or Compliance Team to potentially assist with Licensing work although it remains to be seen what effect this will have on the effective operation of the service, which remains busy in transitioning to the new structure. In addition, this work has come at a time when the Licensing Service is busy assisting with the Council's response to the coronavirus pandemic, which has seen implications for other areas of Licensing, including relaxations to alcohol licensing restrictions.
- 9.2 Provided the draft is approved for consultation, there will not be any additional human resource implications associated with the revision of the Statement of Principles.

## **10. Climate Change/Sustainability Implications**

- 10.1 There are no climate change or sustainability implications.

## **11. Summary of Options**

- 11.1 After considering the report and the consultation responses, the Committee may either:
1. approve the draft Policy at Appendix 1 for public consultation, or
  2. approve the draft with amendments for consultation.

## 12. Conclusion

- 12.1 The Act requires the Council to review its Statement of Gambling Principles every 3 years and requires that we consult on the proposed statement of principles. A review of the Statement has been completed and presented for approval of public consultation.
- 12.2 Following consultation, a further report will be presented to the Licensing Committee requesting a recommendation to adopt the Statement of Principles at Full Council.

## 13. Background Papers

[Gambling Act 2005](#)

[Gambling Act 2005 Statement of Principles 2019-21](#)

[Gambling Commission Guidance to licensing authorities 5<sup>th</sup> edition September 2015](#)

[Gambling Commission – Participation and Perceptions Report February 2018](#)

[Gambling Regulation: Councillor Handbook – Local Government Association \(2018\)](#)

## 14. Appendices

Appendix 1: Guildford Borough Council draft Statement of Gambling Principles 2022-25

<b>Service</b>	<b>Sign off date</b>
Finance / 151 Officer	19 April 2021
Legal / Governance	20 April 2021
HR	20 April 2021
Equalities	20 April 2021
Lead Councillor	25 April 2021
CMT	27 April 2021
Committee Services	17 May 2021