

LICENSING COMMITTEE

23rd JUNE 2022

REPORT OF THE ASSISTANT DIRECTOR GROWTH AND REGENERATION

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (POLICY STATEMENT) 2022 - 2025

Purpose

To approve the Gambling Statement of Principles and agree to its consultation.

Recommendations

It is recommended that:

- the Committee agree to the issuing of the new Gambling Policy and Statement of Principles 2022 – 2025 for consultation.
- the consultation response be brought back to committee for consideration later in the year.

Executive Summary

The Gambling Act 2005 (the Act) requires the Council to prepare and publish a statement of the principles (policy statement) that it proposes to apply in exercising its functions under the Act. The policy statement at Appendix 1 under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time.

The Government was reviewing the Gambling Act 2005 and it was originally expected that new legislation would be issued in 2021 but this has not been forthcoming. It is proposed that the Committee agree to a new Policy. The new policy has not varied from the previous policy. Should new legal provisions come into force the policy can be reviewed and amended as required.

Key Changes

In December 2020 The Culture Secretary launched a wide ranging review of the Gambling Act 2005 and current gambling legislation to consider online stake and spend limits, advertising and marketing rules and the powers of the Gambling Commission.

The review was carried out to ensure the regulatory framework can protect children and vulnerable people, prevent gambling related crime, and keep gambling fair and open in the digital age.

As gambling has changed significantly over the past 15 years the review has considered:

- Online restrictions;
- Marketing;
- The powers of the Gambling Commission;
- Protections for online gamblers like stake and spend limits;
- Advertising and promotional offers;
- And whether extra protections for young adults are needed;

The review closed on the 31st March 2021 however an update on proposed new changes and legislation has not been forthcoming as was previously expected.

As a Licensing Authority, the Council is required under the Gambling Act 2005 to prepare/review, every three years, a Statement of Policy and Principles that they propose to apply in exercising their functions under the Act. The Council's current Statement of Policy and Principles was approved by the Committee and subsequently Council in December 2018 and came into effect on 31 January 2019. This policy was then extended for a further two years on 24th June 2021 by the Licensing Committee. The reason for the extension was that as no changes were proposed it was deemed not necessary to consult given that a full review would be undertaken when DCMS had concluded their review. At the time it was felt that DCMS would be reporting quickly and so a 2 year extension of the current statement of principles would be a stop gap before a full review was undertaken. On reflection and in the absence of forthcoming legislation it has been deemed necessary to bring forward a new Statement of Policy and Principles for 2022 – 2025.

Financial Implications

There are no additional resource implications arising from this Consultation; resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budgets.

Legal/Risk Implications

Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy and Principles every 3 years.

Section 25 of the Gambling act 2005 requires the Authority to have regard to Gambling Commission Guidance when preparing its Statement of Licensing Policy.

Sustainability

The services for the regulation of Gambling contribute to the strategic priority of being healthier and safer in Tamworth.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting please contact Wendy Smith, Head of Environmental Health.

LIST OF BACKGROUND PAPERS

1. Guidance to Licensing Authorities 5th edition [Guidance to licensing authorities \(GLA\) \(gamblingcommission.gov.uk\)](http://www.gamblingcommission.gov.uk)
2. Gambling Commission Guidance to Public Health <http://www.gamblingcommission.gov.uk/PDF/public-health-and-gambling-joint-letter-jan-2018.pdf>

APPENDICES

1. The Gambling Act 2005 Statement of Principles (Policy Statement) 2022 - 2025