

Thursday, 13 October 2022

Report of the Assistant Director of Growth and Regeneration**REVISED GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (POLICY STATEMENT)
2023 - 2026****Exempt Information**

None

Purpose

To advise that the Authority has a duty to review the current Gambling Act 2005 Statement of Principles (Policy Statement).

To bring before the Licensing Committee the outcome of the approved consultation exercise for Tamworth Borough Council's draft Gambling Act 2005 Statement of Principles (Policy Statement) 2023 - 2026. The public consultation exercise concluded on 11th September 2022

Recommendations

That the Licensing Committee recommend to Full Council that they consider the draft Gambling Act 2005 Statement of Principles (Policy Statement) 2023 - 2026 as suitable for adoption.

Executive Summary

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

The Act provides for three categories of licence:

- Operating licences
- Personal licences; and
- Premises licences.

The Gambling Commission issues Operating licences and Personal licences and Licensing Authorities issue Premises Licences.

The Gambling Act 2005 places a responsibility for the licensing of gambling premises and the issuing of permits with Local Authorities, with associated responsibility of ensuring that the conditions on these licences are upheld. Amongst other matters the 2005 Act deals with the licensing of:

- Casinos

- Betting shops
- Bingo halls
- Amusement arcades and gaming centres
- Gaming machines
- Small Society Lotteries
- Alcohol licensed premises (making gaming machines available for use)
- Private clubs (making gaming machines available for use).

Central to the Gambling Act are the licensing objectives. These are:

- 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 manner,
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It is important to note that there are no other licensing objectives.

Options Considered

The Government intended to review the Gambling Act 2005 and it was originally expected that new legislation would be issued in 2021 but this has not been forthcoming. The draft Gambling Act 2005 Statement of Principles (Policy Statement) 2023 – 2026 has not varied from the previous policy. Should new legal provisions come into force the policy can be reviewed and amended as required

Section 349 (3) of the Act requires the Licensing Authority to consult the following on its Statement of Principles (Policy Statement) or subsequent revisions:

- The Chief Officer of Police,
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Authorities area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authorities functions under the Act.

The list of persons to be consulted when preparing the Statement is deliberately wide. This enables Licensing Authorities to undertake a comprehensive exercise with anyone who may be affected by or otherwise have interest in the Statement.

Section 154 of the 2005 Act indicates that adoption of the Statement of Principles (Policy Statement) cannot be delegated to the Licensing Committee. Therefore, Full Council must adopt the final document.

The public consultation exercise was held between 24th June 2022 – 23rd July 2022. **No responses** were received to the consultation. A further consultation took place between 12th August 2022 – 11th September 2022 due to an amendment of Policy Statement dates as an error had been made on when the Policy was effective from/to. **No responses** were received to this consultation.

Resource 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 budget.

Legal/Risk Implications Background

Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Principles (Policy Statement) every 3 years. The next Statement must be published by 31 January 2023.

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

Equalities Implications

The subject of this Report is not a policy, strategy, function or service that is new or being revised.

Environment and Sustainability Implications (including climate change)

The services for the regulation of Gambling contribute to the strategic priority The Economy. There are no environment or sustainability considerations as a result of the policy.

Background Information

Section 349 of the Gambling Act 2005 ("the Act") requires all Licensing Authorities to prepare and publish a Statement of Principles in the form of the Gambling Policy ("the Policy") that it proposes to apply in exercising its functions under the Act during the three year period to which the Policy applies.

The Council's Policy has been revised on a three yearly basis since then and it is time to revise the Policy to cover the next three years' to cover February 2023 to January 2026.

Report Author

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List of Background Papers

1. Guidance to Licensing Authorities 5th edition
<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>
2. Gambling Commission Guidance to Public Health
<http://www.gamblingcommission.gov.uk/PDF/public-health-and-gambling-joint-letter-jan-2018.pdf>

Appendices

1. Draft Revised Gambling Act 2005 Statement of Principles (Policy Statement) 2023-2026

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