



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Gambling Act 2005 – Statement of Principles Review and Consultation	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team 19 th September 2024	
	Pre Cabinet [DATE]	
	Leader's / Leader of the Opposition's Advisory Group [DATE]	
	Cabinet [DATE] / Council [DATE]	
	Audit Committee [DATE] / Scrutiny Regeneration, Development and Market Hall Committee [DATE] / Scrutiny Health and Well Being Committee [DATE] / Scrutiny Climate Change and Environment Committee / Scrutiny Value for Money Council Committee [DATE]	



<p>Is this an Executive Decision:</p>	<p>NO</p>	<p>Is this a Key Decision:</p>	<p>NO</p>
<p>Is this in the Forward Plan:</p>	<p>YES</p>	<p>Does this report contain Confidential or Exempt Information:</p> <p>If the report Contains Confidential Information, please provide reason.</p> <p>If the report contains Exempt Information, please state relevant paragraph from Schedule 12A LGA 1972:</p>	<p>NO</p> <p>[]</p> <p>[]</p>



Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Monitoring Officer: **John Teasdale**

Date Signature

Chief Finance Officer: **Lloyd Haynes**

Date Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to CMT

Date: 2024

REPORT TITLE: Gambling Act 2005 Statement of Principles Review and Consultation

PORTFOLIO: Legal and Regulatory Services

CHIEF OFFICER: John Teasdale

CONTACT OFFICER: Margaret Woolley

WARD(S) AFFECTED: All

1. Purpose of the Report

- 1.1. In accordance with the requirements of the Gambling Act 2005 and subsequent regulations, to seek approval from the Licensing Committee for the Council's draft Gambling Statement of Principles to be confirmed as suitable for a public consultation exercise.

2. Executive Summary

- 2.1. In accordance with the requirements of the Gambling Act 2005 the Licensing Authority is required to publish a statement of policy every successive three year period from the first appointed day. The policy is now due to be revised to cover the next successive three year period until 2028.

3. Background

- 3.1. 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.
- 3.2. 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 2025 to February 2028.

- 3.3. The Council is required to consult for 28 days on the proposed changes.
- 3.4. The Licensing Committee will be required to approve the draft policy as suitable for consultation purposes prior to reviewing the comments received during the consultation period and referring to Full Council for adoption.

4. Contribution to Corporate Priorities

- 4.1. Creating a prosperous East Staffordshire

5. Report

- 5.1. Enforcement Services includes the Licensing Function.
- 5.2. The Gambling Act 2005 was fully implemented on 1st September 2007. The Act introduced new responsibilities for Licensing Authorities, to undertake a number of licensing functions in relation to gambling premises.
- 5.3. Section 349 of the Gambling Act 2005 requires the Council (The Licensing Authority) to prepare and publish a Gambling Act Policy “Statement of Principles” that it proposes to apply in exercising its licensing functions. The statement will last for a maximum of three years but can be reviewed and revised by the Authority at any time. The Authority’s current statement was published in 2022.
- 5.4. The Act provides for three categories of licence:
 - Operating licences
 - Personal licences; and
 - Premises licences.
- 5.5. The Gambling Commission issues Operating licences and Personal licences and Licensing Authorities issue Premises Licences.
- 5.6. 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).

- 5.7. 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.
- 5.8. It is important to note that there are no other licensing objectives.
- 5.9. Section 349 (3) of the Act requires the Licensing Authority to consult the following on its licensing policy statement or subsequent revision:
- 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.
- 5.10. The list of persons to be consulted when preparing the Licensing Policy 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 Licensing Statement.
- 5.11. Section 154 of the 2005 Act indicates that adoption of the Statement (Gambling Policy) cannot be delegated to the Licensing Committee. Therefore, Full Council must adopt the final document.
- 5.12. The first draft of the proposed revised policy is attached as Appendix 1. The policy has been amended in accordance with the guidance issued by the Gambling Commission.
- 5.13. Appendix 2 details a matrix of changes within the policy. The changes are:
- Update to the ESBC population
 - Potential future for cumulative impact assessment
 - Voluntary changes to the Gambling Commissions requirements of small society lotteries.
- 5.14. The current policy was published in 2022 and therefore a reviewed policy will need to be published in 2025.

6. **Financial Considerations**

This section has been approved by the following member of the Financial Management Unit: [AB, Daniel Binks – Chief Accountant]

6.1. There are no financial issues arising from this Report.

Revenue	2023/24	2024/25	2025/26

Capital	2023/24	2024/25	2025/26

7. **Risk Assessment and Management**

7.1. The main risks to this Report and the Council achieving its objectives are as follows:

7.2. **Positive** (Opportunities/Benefits):

7.2.1. The Council will have an adopted policy in place which is clear and transparent to advise applicants, objectors, elected members and officers of the Council when implementing the provisions of the Gambling Act.

7.2.2. Ensure consistency of the licensing function by the Council in the exercise of its duties.

7.3. **Negative** (Threats):

7.3.1. N/A

7.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

8. **Legal Considerations**

*This section has been approved by the following member of the Legal Team:
[John Teasdale]*

8.1. The Council is required to produce and publish a Statement of Licensing Policy under section 349 of the Gambling Act 2005, to cover each successive period of three years. Section 349(2) requires the Council to review the statement from time to time and if thought necessary as a result of the review, publish any revision before giving effect to it.

8.2. The Statement of Principles attached at Appendix 1 is the Council's statement for the purpose of section 349 of the Act.

8.3. In accordance with section 349(3), consultation must precede any revision of the Statement of Licensing Policy. The Council must also 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.

8.4. The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations supplement the 2005 Act. It is prescribed that before a statement or revision comes into effect, the Council must publish a notice of their intention to publish a statement or revision for a period of 4 weeks. 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

8.5. As the policy forms part of the Council's Policy Framework, the Constitution prescribes that any final decision on the policy must be taken by Full Council. However Licensing Committee can be consulted as part of the process.

9. Equalities and Health

9.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

9.2. **Health impacts:** The outcome of the health screening question [requires/does not require] a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

Data Protection Implications – Data Protection Impact Assessment (DPIA)

10.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;
- process special category or criminal offence data on a large scale; or

- systematically monitor publicly accessible places on a large scale
- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

10.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA.

10. Human Rights

10.1. There are no Human Rights issues arising from this Report.

11. Environmental Impacts

Consider impacts related to the Climate Change & Nature Strategy aims:

- Reducing greenhouse gas emissions (climate change mitigation)
- Preparing for future climate change (adaptation)
- Protecting and enhancing nature
- Using resources wisely and minimising waste and pollution

11.1. Does the proposal have any positive or negative environmental impacts? No

12. Recommendation(s)

12.1. That the Corporate Management Team considers the draft revised Gambling Act Statement of Principles.

12.2. That the Licensing Committee be consulted on the content as suitable for consultation purposes.

12.3. That a further report be brought back before the Licensing Committee with the outcome of the consultation, and a recommendation to Full Council for adoption of the revised policy.

13. Background Papers

13.1. Gambling Commission Guidance to Local Authorities updated April 2023 - [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/guidance-to-licensing-authorities)

14. **Appendices**

14.1. Appendix 1: Draft Gambling Act Statement of Principles 2025-2028

14.2. Appendix 2: Matrix of changes