



FULL COUNCIL

Wednesday, 24 November 2021

Subject	Review of Gambling Act 2005 Statement of Principles
Report by	Councillor Mary Rudd Cabinet Member with responsibility for Community Health
Supporting Officer	Martin Clarke Acting Legal and Licensing Services Manager 01502 523226 Martin.clarke@eastsoffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not Applicable.
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

1. To present the draft revised edition of the Gambling Act 2005 Statement of Principles (**attached at Appendix A**) to the Council and seek approval from Council to adopt the revised Gambling Act 2005 Statement of Principles.

Options:

- 1) To adopt the revised Gambling Act 2005 Statement of Principles
- 2) Not to adopt the revised Gambling Act 2005 Statement of Principles

Recommendation/s:

That Council adopts the revised Gambling Act 2005 Statement of Principles for publication and implementation on 31 January 2022.

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Gambling Statement of Principles

Safeguarding Policy

Environmental:

No impact

Equalities and Diversity:

No impact

Financial:

No impact

Human Resources:

No impact

ICT:

No impact

Legal:

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. This statement has to be reviewed every 3 years.

Risk:

The intention of the Gambling Act is that children, young persons and vulnerable people should not be permitted to gamble. The publication of the Gambling Statement of Principles sets out how East Suffolk Council will approach and deal with applications and how it aims to permit the use of premises for gambling purposes in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of principles.

Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.

External Consultees:	<ul style="list-style-type: none"> • The Chief Officer of Police. • The Responsible Authorities named in the Gambling Act 2005. • Persons carrying on gambling businesses within the district. • Groups representing vulnerable persons. • Organisations within the trade. • Parish and Town Councils. • Member of the Public via the Council's website.
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>

T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
<p>Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our communities. The Gambling Statement of Principles gives clear guidance on gambling matters to applicants, licensees and the public; promoting economic growth for local businesses whilst enabling the community to make constructive representations should the need arise.</p>			

Background and Justification for Recommendation

1 Background facts	
1.1	<p>The Gambling Act 2005 replaced most of the existing law about gambling in Britain save that it does not include, within its scope, the National Lottery or remote (online) gambling.</p> <p>The Act has three core objectives:</p> <ul style="list-style-type: none"> • 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; and • Protecting children and other vulnerable persons from being harmed or exploited by gambling
1.2	Local authorities have responsibility for publishing a three-year Statement of Principles and the next revised guidance must be published by January 2022.

	In producing its Statement of Principles the Licensing Authority must have regard to the Licensing objectives of the Gambling Act 2005 and the Guidance for Local Authorities issued, and updated periodically, by the Gambling Commission.
1.3	<p>The requirements as to the form and publication of a statement of principles are set out in regulations and include the following sections:</p> <p>(a) An introduction summarising the matters contained within the statement, describing the geographical area to which the statement applies, and listing the persons consulted in preparing the statement.</p> <p>(b) The principles to be applied by the authority in designating, in writing, a body which is competent to advise the authority about the protection of children from harm. (The licensing authority has discretion to determine the most appropriate body competent to advise it about the protection of children from harm. Consideration must be given as to which body best fulfils this function and the statement should set out this consideration, or the criteria that will be used.)</p> <p>(c) The principles to be applied by the authority to determine whether a person is an interested party in relation to the premises licence, or in relation to an application for or in respect of a premises licence.</p> <p>(d) The principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified in that section.</p>

2 Current position

2.1	East Suffolk carried out its last consultation and review in 2018. The current Statement of Principles was published in January 2019 and covers the period 31 January 2019 to 31 January 2022.
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3 How to address current situation

3.1	The Statement of Principles has been updated and a 4-week consultation has been undertaken from the 26 July 2021 and ending 22 August 2021.
3.2	<p>Updated information includes:</p> <ul style="list-style-type: none"> • Removal of any reference to Suffolk Coastal or Waveney District Councils. These were abolished as local government areas in 2019. • An extended consultee list at Appendix A. • The removal of the Local Area Profile from the main body of the document. Guidance to local authorities suggests that this should not form part of the

	<p>statement due to the frequency of changes that may occur. Each change to the profile can be updated immediately without the need to consult each time.</p> <ul style="list-style-type: none"> • Amendment to the maximum stake for a B2 category gaming machine from £100 to £2 which came into force in April 2019. <p>An electronic link to the draft policy has been sent to:</p> <ul style="list-style-type: none"> • The Chief Officer of Police. • The Responsible Authorities named in the Gambling Act 2005. • Persons carrying on gambling businesses within the district. • Groups representing vulnerable persons. • Parish and Town Councils. <p>The draft policy was also available on the East Suffolk Council’s website.</p> <p>During the consultation period the Licensing Team received just one email relating to the proposed Gambling Statement of Principles revision.</p> <p>GambleAware, a provider of prevention and treatment services for gambling harms, emailed acknowledgement of receipt of the invitation to comment. They said that due to resource constraints on a small charity, they were not able to offer specific feedback on our policy but attached some information which Local Authorities may find useful.</p>
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4 Reason/s for recommendation	
4.1	The Gambling Act 2005 required all Local Authorities to adopt a Statement of Principles and to update this Statement, following a consultation procedure, by January 2010 and three yearly thereafter.
4.2	The current Statement of Principles is due for a review and the new document must be published in January 2022.

Appendices

Appendices:	
Appendix A	Draft Gambling Act 2005: Statement of Principles.
Background reference papers:	
None	