



## LICENSING COMMITTEE

Monday, 18 October 2021

<b>Subject</b>	<b>REVIEW OF GAMBLING ACT 2005 STATEMENT OF PRINCIPLES</b>
<b>Report by</b>	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
<b>Supporting Officer</b>	Martin Clarke Acting Legal and Licensing Services Manager 01502 523226 <a href="mailto:Martin.clarke@eastsoffolk.gov.uk">Martin.clarke@eastsoffolk.gov.uk</a>

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

## Purpose and high-level overview

**Purpose of Report:**

To present to the Licensing Committee responses to the consultation on the draft Gambling Statement of Principles. The draft statement was presented to the Licensing Committee at its meeting on 19 July 2021 where the consultation was agreed.

**Options:**

- 1) To approve the revised edition of the Gambling Statement of Principles in order that full Council can adopt the statement at its meeting in November, ready for publication on 31 January 2022.  
OR
- 2) Not to approve revised edition of the Gambling Statement of Principles

**Recommendation/s:**

That the Committee:

Considers any responses to the consultation and approves the revised edition of the Gambling Statement of Principles in order that full Council can adopt the statement at its meeting in November, ready for publication 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.

<b>External Consultees:</b>	<p>The draft revised Statement of Principles, agreed at the July meeting, was sent out for consultation for a four week period commencing 26 July 2021 and ending 22 August 2021.</p> <p>Consultation bodies:</p> <ul style="list-style-type: none"><li>• The Chief Officer of Police.</li><li>• The Responsible Authorities named in the Gambling Act 2005.</li><li>• Persons carrying on gambling businesses within the district.</li><li>• Groups representing vulnerable persons.</li><li>• Organisations within the trade.</li><li>• Parish and Town Councils.</li></ul> <p>Details of the consultation were also sent to all district councillors and were available on the Council's website.</p>
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## Strategic Plan Priorities

Select the priorities of the [Strategic Plan](#) which are supported by this proposal:

*(Select only one primary and as many secondary as appropriate)*

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"/>
<b>T02</b>	<b>Enabling our Communities</b>		
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"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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"/>
<b>T05</b>	<b>Caring for our Environment</b>		
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"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

**How does this proposal support the priorities selected?**

1.1 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.

## Background and Justification for Recommendation

<b>1 Background facts</b>	
1.1	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>The Act has three core objectives:</p> <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;</li> <li>• Ensuring that gambling is conducted in a fair and open way; and</li> <li>• Protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul>
1.2	<p>Local authorities have responsibility for publishing a three-year Statement of Principles and the next revised guidance must be published by January 2022.</p> <p>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.</p>
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> <ul style="list-style-type: none"> <li>(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.</li> <li>(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.)</li> <li>(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.</li> <li>(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.</li> </ul>

## 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 was approved by the Licensing Committee in July for a 4 week consultation – <b>Appendix A</b> . It was agreed that responses to the consultation would be reported to the next meeting of the Licensing Committee in order that full Council can adopt the statement at its meeting in November 2021.
3.2	<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. Response attached as <b>Appendix B</b>.</p>

#### 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:

<b>Appendix A</b>	Revised Gambling Act 2005: Statement of Principles.
<b>Appendix B</b>	Consultation response from GambleAware

### Background reference papers:

Date	Type	Available From
None		