



REPORT TO:	LICENSING COMMITTEE
DATE:	Tuesday 10 th September 2024
SUBJECT:	Statement Of Principles Gambling Act 2005
PURPOSE:	To consider the draft Gambling Policy (Statement of Principles) prior to it being issued for consultation.
KEY DECISION:	NO
PORTFOLIO HOLDER:	CLLR A CASSON, PORTFOLIO HOLDER PUBLIC PROTECTION
REPORT OF:	CHRISTIAN ALLEN, ASSISTANT DIRECTOR REGULATORY
REPORT AUTHOR:	Molly Shiells, Licensing Team Leader
WARD(S) AFFECTED:	ALL
EXEMPT REPORT?	NO

SUMMARY

- 1) That the Committee consider the Council's Gambling Policy (Statement of Principles) as shown at Appendix A of this report, prior to it being issued for consultation.

RECOMMENDATIONS

That Licensing Committee consider the draft policy and recommend that it is published for consultation.

REASONS FOR RECOMMENDATIONS

To ensure that South Holland District Council, acting as the Licensing Authority, can meet its statutory duties under the Gambling Act 2005.

OTHER OPTIONS CONSIDERED

Do Nothing - The duty to have a valid Statement of Principles (Policy) in place is dictated by the Gambling Act 2005. The current Statement expires in January 2025, so any decisions made after that time without a valid Statement in place may result in successful challenge, either through the legal process (appeal) or through Judicial review. Additionally, the Licensing Authority may not be able to lawfully process new applications.

1. BACKGROUND

- 1.1 Section 349 of the Gambling Act 2005 requires the Council (the Licensing Authority) to prepare and publish a Statement of the Principles (Gambling Policy) 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. This Authority's current statement took effect in January 2022 and so the required review process must be completed by the end of 2024 to enable publication in January 2025. This report summarises the proposed statement of Principles update. There are no significant changes to the current policy required. The only change made is an update to the summary of the number of Gambling Licences and permits that have been granted by this authority as of August 2024.

2. REPORT

- 2.1 The Gambling Act 2005 places the responsibility for the licensing of gambling premises and the issuing of gambling permits with Local Authorities, with the associated responsibility for 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
 - Gaming machines
 - Society lotteries
- 2.2 The Act requires Licensing Authorities to prepare, consult on and publish a Statement of Licensing Principles (Gambling Policy) that they propose to apply in exercising their functions under the Act during the 3-year period to which the policy applies.
- 2.3 Core to the Gambling Act are the licensing objectives. These are:
- Preventing gambling from being a source of crime and disorder, being associated with crime or 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.

2.4 Section 349 (3) of the 2005 Act requires the Licensing Authority to consult the following on its licensing policy statement or any subsequent revision:

- The Chief Officer of Police
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's 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 Authority's functions under the Act

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

2.6 Section 154 of the 2005 Act indicates that adoption of the Statement of Principles (Gambling Policy) cannot be delegated to the Committee of the Licensing Authority, therefore full Council must adopt the final document. This is different to the granting of gambling premises licences which the Act automatically delegates to the Committee of the Licensing Authority.

2.7 The full draft Policy can be found at Appendix 1.

3. CONCLUSION

3.1 The current Gambling Policy has been reviewed in light of experience in dealing with gambling premises and issues over the last three years, as well as considering the Gambling Commission guidance to Licensing Authorities and officers are satisfied that the existing policy remains fit for purpose requiring no significant amendments.

EXPECTED BENEFITS TO THE PARTNERSHIP

The expected benefit is continuing to have a transparent and up to date policy on gambling and enabling compliance with our statutory obligations under the Gambling Act 2005.

IMPLICATIONS

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality &

Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

The Statement of Principles (Policy) is broadly aligned due to the statutory requirements incorporated in the policy, but it needs to reflect the sovereign council profile and demographics so it isn't a shared policy

CORPORATE PRIORITIES

Partnership Priority – Safe and Resilient Communities

- Ensure licensing policies support crime reduction, community safety, place shaping, economic growth and inclusivity;
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STAFFING

None

WORKFORCE CAPACITY IMPLICATIONS

The approval of a policy will ensure a consistent and continued approach to how the Authority meets its responsibilities for discharging its Gambling Act duties.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

This policy review is within legal and constitutional parameters and the Monitoring Officer has been consulted. It is a statutory requirement that the Licensing Authority produces a Statement of Principles that it proposes to apply in exercising its functions under the Gambling Act 2005 and that it reviews it every three years. If the Authority does not produce a revised policy within the statutory timescale, there is a risk that the Authority will not be in a position to process applications, leaving the Authority open to challenge.

DATA PROTECTION

There are no new data protection implications arising from this policy review.

FINANCIAL

There are no new financial implications.

RISK MANAGEMENT

The adoption of a policy reduces the risk of successful legal challenge.

STAKEHOLDER / CONSULTATION / TIMESCALES

The draft policy will be published in the licensing section on the Council's website for the duration of the consultation.

REPUTATION

An approved policy will continue to reduce the risk of reputational damage arising from inconsistent decisions or a lack of transparency.

CONTRACTS

None

CRIME AND DISORDER

Lincolnshire Police are a consultee on this policy. There are criminal offences under the Gambling Act 2005 and so the policy will support businesses to comply with the law. This is further supported by the Gambling commission and any prosecutions initiated by this authority.

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

The policy covers safeguarding of children and vulnerable adults in more detail and includes additional appendices to explain the risks and how these can be managed.

HEALTH AND WELL BEING

The policy addresses how children and vulnerable adults should be protected from gambling related harm including addiction and financial exploitation.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The consultation document will be emailed to consultees where possible to reduce paper printing and paper. The document will also be available on the Council's website.

ACRONYMS

None

APPENDICES

(If none then insert the word 'None' and delete the below text/boxes).

Appendices are listed below and attached to the back of the report: -

<i>APPENDIX 1</i>	Draft Statement of Principle (Gambling Policy 2025)

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT

None

REPORT APPROVAL

Report author:

Name and full contact details

Signed off by:

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Approved for publication:

CLlr A Casson, Portfolio Holder Public Protection