

<b>Policy &amp; Resources Committee Meeting</b>	
<b>Meeting Date</b>	11 <sup>th</sup> September 2024
<b>Report Title</b>	Review of the current Statement of Principles under the Gambling Act 2005
<b>EMT Lead</b>	Emma Wiggins, Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Charlotte Hudson, Head of Housing and Community Services
<b>Lead Officer</b>	Christina Hills, Licensing Team Leader
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. Members to note that there was one response to the public consultation on the draft Statement of Principles under the Gambling Act 2005.</li> <li>2. Members to endorse the draft Statement of Principles so that it can be referred to Council on 2<sup>nd</sup> October 2024 with a recommendation for formal adoption.</li> </ol>

## **1 Purpose of Report and Executive Summary**

1.1 The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a Statement of Principles under the Gambling Act 2005. Such a statement must be published before the authority carries out any function in respect of individual applications made under the terms of the 2005 Act. The Statement of Principles is required to comply with extensive national guidance, and any departures from it must be supported by evidence justifying a different policy approach.

1.2 Section 349 of the Gambling Act 2005 requires a licensing authority to review and publish a further Statement of Principles every three years. The existing Statement of Principles was published in January 2022 and is due for renewal by no later than 31st January 2025.

1.3 The decision to adopt a Statement of Principles has to be made by full Council.

1.4 A review of the existing Statement of Principles has been undertaken and a draft policy was presented to Licensing Committee of 24<sup>th</sup> June 2024

<https://ws.swale.gov.uk/meetings/documents/s28541/Gambling%20Policy%20Report%20June%202024.pdf>

1.5 At that Licensing Committee meeting it was resolved that:

***(1) That after consideration of the draft Statement of Principles, the document and any relevant amendments be noted.***

***(2) That the consultation process, as outlined be noted and officers be instructed to proceed with the same.***

***(3) That officers be given delegated authority to refer the Statement of Principles straight to the Policy and Resources Committee for consideration and approval at the end of the consultation period, prior to formal adoption by Full Council, subject to there being no significant amendments or comments.***

***(4) That an appendix detailing the different categories of gaming machines be included within the policy.***

- 1.6 Members are requested to ratify the draft Statement of Principles under the Gambling Act 2005 so that it can be presented to full Council for formal adoption on 2<sup>nd</sup> October 2024.

## **2 Background**

- 2.1 Swale Borough Council (the Council) is the Licensing Authority under the provisions of the Gambling Act 2005 (the Act). The Council is required to produce a 'Statement of Licensing Principles for Gambling' to demonstrate how applications received under the Act will be dealt with.
- 2.2 Section 153 of the Act requires that when exercising functions under the Act the Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority thinks it is in accordance with:
- a) any relevant code of practice;
  - b) any relevant guidance issued by the Gambling Commission;
  - c) is consistent with the licensing objectives (subject to a and b above), and;
  - d) the statement published by the authority under s.349 (Statement of Principles for Gambling).
- 2.3 The gambling objectives are:
- i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
  - ii) ensuring that gambling is conducted in a fair and open way and
  - iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.4 The Gambling Commission 5<sup>th</sup> edition Guidance (as amended) recommended a number of changes for local authorities that fall under three broad themes:
- a) increased focus on risk and regulation
  - b) greater attention to local risk; and
  - c) encouraging partnership and collaboration between stakeholders to mitigate risk
- 2.5 In particular the Commission recommended that local authorities create new and unique localised policies and also carry out an assessment of their local

environment called a 'Local Area Profile' (LAP) to identify the local risk of gambling-related harm and to inform the Policy. Risk in this context includes potential and actual risk and can take into account possible future and emerging risks.

- 2.6 Completion of a LAP is not compulsory however the Commission recognises that there are significant benefits for both the Council and operators, in having a better awareness of the local area in relation to gambling-related risks. However, the creation of a LAP is dependent on information and knowledge of the local area and knowledge of the impact gambling may have.
- 2.7 When the existing Statement of Principles was reviewed in 2021 officers carried out an assessment to identify the areas of concern and included a LAP within the policy document that was adopted by full Council on 10<sup>th</sup> November 2021. Members will wish to note that very few local authorities in the country and only one other local authority in Kent have included an LAP within their Statement of Principles, but the licensing team felt that it was important that Swale is shown to be an exemplary authority for 'best practice'.

### **3 Proposals**

- 3.1 A draft Statement of Licensing Principles has been prepared using a model template as recommended by the Gambling Commission. This is shown as **Appendix I**.

### **4 Alternative Options Considered and Rejected**

- 4.1 It is a statutory requirement for the Council to have a current Statement of Licensing Principles in place covering the principles for its functions under the 2005 Act.

### **5 Consultation Undertaken or Proposed**

- 5.1 A 6-week consultation ran between 1<sup>st</sup> July 2024 until 9<sup>th</sup> August 2024. Methods of consultation were by advertising on the Council's website and in a local newspaper, by emails, post and social media.
- 5.2 Despite the widespread consultation only one response was received which is attached as **Appendix II** and does not require any change to the policy. This may be because by using a template as recommended by the Gambling Commission, gambling operators and other consultees were satisfied with the content of the draft Statement of Licensing Principles and had nothing they wished to comment on or propose changes.

## 6 Implications

Issue	Implications
Corporate Plan	<p>The service is an important regulatory function undertaken to ensure the safety or wellbeing of the public.</p> <p>Community – Indirect links to:</p> <p>To work as part of the Community Safety Partnership to delivery priorities to address domestic abuse, crime, and disorder, ASB and support vulnerable people.</p>
Financial, Resource and Property	<p>Under the Act, the council has the power to recover its costs and set fees and charges at such a level that the process is cost neutral to the Council. There is however a statutory maximum fee that can be set for every licence type under the Act.</p> <p>The financial implications associated with the revision of the Statement of Principles will be financed from the Licensing budget.</p> <p>If at any time in the future the policy was subject to legal challenge, there could be costs associated with this process</p>
Legal, Statutory and Procurement	<p>Section 349(1) of the Act requires each licensing authority to prepare and publish a Statement of Principles to cover each period of three years.</p> <p>In preparing a Statement of Principles the regulations require licensing authorities to publish a notice of intention to publish a statement. The notice must:</p> <ul style="list-style-type: none"> <li>• specify the date on which the statement is to be published</li> <li>• specify the date on which the statement will come into effect</li> <li>• specify the internet address where the statement will be published and the address of the premises at which it may be inspected</li> <li>• 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: <ul style="list-style-type: none"> <li>• a local newspaper circulating in the area covered by the statement</li> <li>• a public notice board in or near the principal office of the authority</li> <li>• a public notice board on the premises of public libraries in the area covered by the statement</li> </ul> </li> </ul>

<p>Crime and Disorder</p>	<p>Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Councils duties under Section 17 of the Crime and Disorder 1998 in that the objectives of the Act are:</p> <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime</li> <li>• Ensuring that gambling is conducted in a fair and open way</li> <li>• Protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul>
<p>Environment and Climate/Ecological Emergency</p>	<p>No implications</p>
<p>Health and Wellbeing</p>	<p>Gambling addiction can cause serious financial problems and impact on the mental health and wellbeing of the person addicted as well as their families.</p> <p>In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005.</p> <p>The 3rd licensing objective is: Protecting children and vulnerable persons from being harmed or exploited by gambling and the Statement of Principles must reflect that it has been taken this into account.</p>
<p>Safeguarding of Children, Young People and Vulnerable Adults</p>	<p>Gambling addiction can cause serious financial problems and impact on the mental health and wellbeing of the person addicted as well as their families.</p> <p>In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005.</p> <p>The 3rd licensing objective is: Protecting children and vulnerable persons from being harmed or exploited by gambling and the Statement of Principles must reflect that it has been taken this into account.</p>
<p>Risk Management and Health and Safety</p>	<p>It is important that Swale BC has a robust and accountable regulatory regime in relation to gambling in order to ensure fair trading, prevent crime and to protect consumers.</p>
<p>Equality and Diversity</p>	<p>The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.</p>
<p>Privacy and Data Protection</p>	<p>Normal data protection and privacy rules will apply</p>

## **7 Appendices**

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Draft Statement of Principles 2025 – 2028
- Appendix II: Response to consultation

## **8 Background Papers**

Gambling Act 2005

Gambling Commission Guidance to licensing authorities

Gambling Commission's Licence Conditions and Codes of Practice (LCCP)