

Council	
Meeting Date	2 nd October 2024
Report Title	Review of the current Statement of Principles under the Gambling Act 2005
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing and Community Services
Lead Officer	Johanna Thomas, Licensing Team Leader
Classification	Open
Recommendations	1. Members to approve the draft Statement of Principles so that it can be published by no later than 2 nd January 2025.

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 24th 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 The draft Statement of Principles was then presented to the Policy and Resources Committee meeting of 11th September 2024

<https://services.swale.gov.uk/meetings/documents/s28912/Gambling%20Report%20v0.1.pdf>

At that meeting it was resolved that:

(1) That the response to the public consultation on the draft statement of Principles under the Gambling Act 2005 be noted.

(2) That the draft Statement of Principles be amended where necessary, endorsed and referred to Full Council on 2 October 2024 for formal adoption.

- 1.7 Council is requested to adopt the draft Statement of Principles under the Gambling Act 2005 so that it can be published by no later than 31st January 2025.

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 5th 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 10th 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**.
- 3.2 At the Policy and Resources Committee meeting of 11th September 2024 Members raised the following points:
- Reference to the European Parliament needed to be removed from page 8 of the document;
 - the map on page 52 of the document was blurry and needed to be replaced;
 - the deprivation map on page 57 of the document was for Kent not the Borough as stated; and

- referred to the list of persons vulnerable to gambling on page 61 of the document and asked whether it should say ex-prisoners rather than prisoners, and did 'women potentially vulnerable to harm' mean?

3.3 It is confirmed that these points have been addressed within the draft Statement of Licensing Principles now being presented to Members for adoption. With regards to those people who are considered to be more vulnerable to gambling related harm which was previously referenced as:

- Young people (youth)
- Students
- Those with mental health problems
- Those afflicted with substance use/misuse issues
- Those with learning difficulties/disabilities
- Immigrants
- Ethnic Minorities
- Homeless people
- Those living in constrained economic circumstances
- Those living in deprived areas
- Prisoners
- Older People
- Those with personality /cognitive impairments
- Women potentially vulnerable to harm
- Other groups/people

This has now been replaced with:

- Young people
- Those with mental health problems
- Those afflicted with substance use/misuse issues
- Those with learning difficulties/disabilities
- Immigrants
- Ethnic minorities
- Homeless people
- Those living in constrained economic circumstances
- Those living in deprived areas
- Ex offenders
- Older people
- Domestic abuse victims

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 1st July 2024 until 9th 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 1 response was received, which did not require any amendment to the Statement of Principles. 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">• specify the date on which the statement is to be published• specify the date on which the statement will come into effect• specify the internet address where the statement will be published and the address of the premises at which it may be inspected

	<ul style="list-style-type: none"> • 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 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
<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"> • 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 way • Protecting children and other vulnerable persons from being harmed or exploited by gambling
<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>

Risk Management and Health and Safety	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.
Equality and Diversity	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.
Privacy and Data Protection	Normal data protection and privacy rules will apply

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

8 Background Papers

Gambling Act 2005

Gambling Commission Guidance to licensing authorities

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