

Public

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Gambling Act 2005 – Statement of Principles

Meeting/Date: Licensing Committee – 30th June 2021

Executive Portfolio: Executive Councillor for Leisure and Regulatory Services – Cllr Keith Prentice

Report by: Myles Bebbington – Acting Operations Manager (Business)

Ward(s) affected: All.

Executive Summary:

The Council is required to produce a Gambling Act 2005 Statement of principles on which it will base its decisions. The production of the document required the Council to undertake a period of public consultation which will commence on 2nd July 2021 and end on 17th September 2021. This report provides the Licensing Committee with a draft of the document to be consulted on and seeks the recommendation for approval of the consultation.

Once the consultation is complete a further report will be submitted detailing the responses and any subsequent recommendations to amend the policy after consultation.

If approved by the Committee the final policy will go forward for approval by full council and adoption by no later than 3rd January 2022.

The costs of reviewing the statement will be set against the income from the application and annual licence fees received under the Licensing Act 2003 regime.

RECOMMENDATIONS:

- (a) that Members of the Licensing Committee note and provide any further comments on the draft 'Gambling Act 2005 – Draft Statement of Principles' that has been produced.**
- (b) that Members approve the draft 'Gambling Act 2005 Statement of Principles' for public consultation, attached as Appendix 1 to the report.**
- (c) that The Operational Manager (Business) be authorised to make amendments to the draft statement that are considered necessary as a result of any new comments received from the public consultation**

exercise, or arising from any new guidance issued by the Gambling Commission to Licensing Authorities.

(d) that the revised final draft be put before the Licensing Committee for endorsement to Cabinet and full Council.

1. PURPOSE OF THE REPORT

- 1.1 The Gambling Act 2005 (the Act) requires the Council to prepare and publish a 'Statement of Principles'. This document should state how it will exercise its statutory duties, having firstly undertaken public consultation and considered any feedback. Our current statement expires on 31st January 2022, so we must draw up, adopt and publish a further statement of principles before the 3rd January 2022, four weeks before its coming into effect on 31st January 2022.

If the Council fails to do this, then it will be unable to fulfil its statutory duties, with possible additional financial and legal consequences arising as a result. It is vital therefore that we commence public consultation in order to progress the matter and meet the statutory timeframe

- 1.2 The Council is the Licensing Authority for the purposes of the Act, taking over licensing responsibilities when it came into effect in September 2007. Section 349 of the Act requires the licensing authority to prepare and publish a 'Statement of Principles' that it proposes to apply in exercising its functions under the Act. The statement of principles must be kept under review and reviewed at least every three years
- 1.3 Attached as an appendix is a revised draft 'Statement of Principles', which has been re-drafted to take into account the relevant provisions as they apply to Huntingdonshire District Council. The revised draft, tracks all the changes to the existing policy for ease of reference.
- 1.4 The purpose of this report is to invite members to approve the draft for public consultation. Following consultation a final draft will be prepared, taking into account the consultation responses.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council is the 'Licensing Authority' for the purposes of the Act, having taken on its licensing responsibilities in 2005, when the Act came into effect. The Act requires the Licensing Authority to prepare and publish a 'Statement of Licensing Policy' that it proposes to apply in exercising its functions under the Act. The policy statement must be kept under review and reviewed at least every five years.
- 2.2 The Council is now required to undertake a review of its policy. The policy must be drafted and consulted upon prior to it being adopted. All comments received must be considered.
- 2.3 The current policy, prepared in 2018, reflected the legislation and Government Guidance at that time. Since this date, there have been some minor changes to the legislation along with updated versions of the Government Guidance have been issued, the latest being in April 2021
- 2.4 The policy has therefore been re-drafted and takes into account the latest guidance and relevant changes and provisions as they now apply to

Huntingdonshire District Council. The revised document is attached as Appendix 1.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The Council has a statutory duty to adopt and publish a Statement of Principles by 3rd January 2022 in order to fulfil its legal obligations under the Act.

4. KEY IMPACTS / RISKS

- 4.1 Failure to adopt a policy will result in Huntingdonshire District Council being unable to fulfil its statutory duties under the Gambling Act 2005

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 5.1 The draft policy will be subject to public scrutiny between 2nd July 2021 and 17th September 2021. A further final report will be submitted to Licensing Committee for any required amendments resulting from the consultation and then forwarded to Full Council for final approval on 15th December 2021.

6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 6.1 This Policy helps promote the following -

- Helping make Huntingdonshire a better place to live
- Helping make Huntingdonshire a better place to work.
- Create, protect and enhance our safe, clean and green environment
- Supporting new and growing businesses

7. CONSULTATION

- 7.1 Before determining or revising its policy, legislation requires the licensing authority to consult with bodies prescribed in the Act. These include the police, fire and rescue and persons/bodies representative of local holders of personal and premises licences, club premises certificates and persons/bodies representative of businesses and residents in the area.

- 7.2 In reviewing this statement of draft principles there have been only minor changes to its content by way of updating dates and named organisations along with the changes made to Fixed Odds Betting Terminal reducing the financial size of a single bet to £2 (Appendix E Pg 45 of the policy document)

- 7.3 The consultation will take place between 2nd July and 17th September in accordance with Cabinet Office guidelines. Wide consultation will be undertaken in accordance the legislation by a variety of means, including our website, and council offices and direct notification to as many

interested parties as possible. If Libraries re-open following Covid 19, copies will be made available .

7.4 It is important that the views of the consultees are taken into account as part of the consultation and these will be collated and made available to the committee prior to any re-drafting of the revised statement recommended for approval.

7.5 The final principles of statement must comply with the Act and Statutory Guidance. For this reason, it is not always possible to adopt all suggestions put forward, but consideration will be given to all representations and where they cannot be given consideration, reasons will be recorded.

8. LEGAL IMPLICATIONS

8.1 Should the Council fail to have a policy in place by 31st January 2022, then it will be unable to fulfil its licensing duties under the Act, with possible additional financial and legal consequences arising as a result. The Licensing Act sets out key principles of:-

- 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling, with possible additional financial and legal consequences arising as a result.

Clearly, these principles have cognisance with our own Corporate Priorities and therefore the provision of a Statement of Principles must remain a priority

8.2 The Gambling Act 2005 S.349 places a statutory obligation on the Council to prepare its Statement of Licensing Policy

9. RESOURCE IMPLICATIONS

9.1 The consultation will be undertaken through the Council website, printed versions of the consultation document being available at Pathfinder House and through a number of direct mailings to statutory consultees. The cost of implementing the policy is covered from fees income generated under the Gambling Act.

10. OTHER IMPLICATIONS

10.1 No other implications are envisaged. The legislation sets out three licensing objectives to be followed and provides a number of checks and balances to protect the local environment and community.

11. REASONS FOR THE RECOMMENDED DECISIONS

11.1 The present Statement of Principles must be replaced for a further maximum period of three years.

12. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Statement of Licensing Principles

13. BACKGROUND PAPERS

Gambling Commission Guidance to Licensing Authorities – April 2021
Gambling Commission Licensing Authority Bulletins

CONTACT OFFICER

Myles Bebbington, Acting Operations Manager
Email: myles.bebbington@huntingdonshire.gov.uk