

Public
Key Decision - Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Gambling Act 2005 – Statement of Principles 2021

Meeting/Date: Licensing Committee – 10 November 2021
Cabinet – 18 November 2021
Council – 7 December 2021

Executive Portfolio: Executive Councillor for Leisure and Regulatory Services.

Report by: Operational Manager (People) – Finlay Flett.

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 ended on 17 October 2021. This report provides the Licensing Committee with a draft of the final revised document and seeks the recommendation for approval of the Committee on the document, followed by the approval and adoption by Full Council.

The costs of reviewing the statement will be set against the income from the application and annual licence fees received under the Gambling Act 2005 regime.

RECOMMENDATIONS:

The Licensing Committee is

RECOMMENDED

- a) to note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2021 that has been produced following the required consultation;**
- b) to delegate authority to the Operational Manager (People) to make minor amendments to the policy and**
- c) recommend that the Statement of Principles be referred to Council for approval.**

The Cabinet is

RECOMMENDED

- a) to note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2021 that has been produced following the required consultation;
- b) recommend that the Statement of Principles be referred to Council for approval.

The Council is

RECOMMENDED

to approve and adopt the Gambling Act 2005 – Statement of Principles 2022-25.

1. WHAT IS THIS REPORT ABOUT /PURPOSE?

- 1.1 The Gambling Act 2005 (the Act) requires the Council to prepare and publish a 'Statement of Principles' stating how it will exercise its statutory duties, having firstly undertaken public consultation and considered any feedback. Our current statement expires on 30 January 2022, so we must draw up, adopt and publish a further statement of principles before the 3 January 2019, four weeks before its coming into effect on 31 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 progress the approval and endorsement of the revised draft document to enable us to meet the statutory timeframe.
- 1.2 The purpose of this report is to invite Members to recommend approval of the revised draft, having undertaken public consultation and considered all comments received.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 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.
- 2.2 The current statement was approved by the Licensing Committee on 17 October 2018 and full Council on 19th December 2018. It came into effect on 31 January 2019 and therefore expires on 30 January 2022.
- 2.3 The Council is required to undertake a review of its statement every three years. The statement must be drafted and consulted upon prior to it being adopted. All comments received must be considered.
- 2.4 The current statement of principles was drawn up from templates issued by the Local Government Association and by the Gambling Commission and took into account changes arising from the fifth edition of the Gambling Commission Guidance to Licensing Authorities, published in May 2021.
- 2.5 Attached as an appendix is a revised draft 'Statement of Principles', which has been reviewed to take into account the relevant provisions as they apply to Huntingdonshire District Council and all comments received as a result of public consultation.
- 2.6 The revised policy remains largely unchanged, changes are limited to updating email and contact details and changes to legislation for gaming machine provisions Appendix D and E of the statement of licensing principles.

3. CONSULATION

- 3.1 Section 349 of the Act requires that the Council consults with a range of persons including the police, persons representing the interests of people carrying on gambling businesses in the area and persons likely to be affected by the exercise of the authority's functions under the Act.
- 3.2 Twelve weeks' consultation took place between 29 June and 17 October 2021, in accordance with Cabinet Office guidelines. Wide consultation was undertaken in accordance with the legislation by a variety of means, including our website, known contacts and council offices.
- 3.3 Approval of the 'Statement of Principles' is reserved to Full Council. Approval by the Council at their meeting on 7 December 2021 will be in time to publish the statement four weeks before it comes into effect on 31 January 2022
- 3.4 No responses were received as part of the consultation process.
- 3.5 The statement was prepared using the most current 6th Edition of the Gambling Commission's Guidance to Licensing Authorities.

4. OPTIONS

- 4.1 The Council has a statutory duty to approve and publish a Statement of Principles before 3rd January 2022, four weeks before it comes into effect on 31st January 2022 in order to fulfil its legal obligations under the Act.

5. LEGAL IMPLICATIONS

- 5.1 Should the Council fail to have a policy in place by 31 January 2022, then it will be unable to fulfil its licensing duties under the Act. The Gambling 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 Gambling Act 2005 licensing regime must remain a priority

- 5.2 The Gambling Act 2005, Section 349 places a statutory obligation on the Council to prepare its Statement of Principles.

6. RESOURCE IMPLICATIONS

- 6.1 The cost of implementing the Statement is covered from the fees income generated under the Gambling Act 2005.

7. OTHER IMPLICATIONS

7.1 No other implications are envisaged.

8. REASONS FOR THE RECOMMENDED DECISIONS

8.1 The present statement must be reviewed and replaced for a further period of three years. It is therefore:

RECOMMENDED that

Licensing Committee

- a) note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2021 that has been produced following the required consultation;
- b) delegate authority to the Operational Manager (People) to make minor amendments to the policy and
- c) recommend that the Statement of Principles be referred to Council for approval.

Cabinet

- a) note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2021 that has been produced following the required consultation;
- b) recommend that the Statement of Principles be referred to Council for approval.

Council

approve and adopt the Gambling Act 2005 – Statement of Principles 2022-25

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Gambling Act 2005 – Statement of Principles 2022

10. BACKGROUND PAPERS

LGA Licensing Authority Statement of Principles
Gambling Commission Guidance to Licensing Authorities – 6th Edition –
May 2021
Gambling Commission – Statement of Principles for Licensing Authorities

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