

LICENSING COMMITTEE	AGENDA ITEM No. 4
16 NOVEMBER 2021	PUBLIC REPORT

Report of:	Peter Gell - Assistant Director Regulatory Services	
Cabinet Member(s) responsible:	Cllr Steve Allen, Deputy Leader and Cabinet Member for Housing, Culture and Communities	
Contact Officer(s):	Jacqui Harvey – Head of Operations Environmental Health and Licensing Gareth Brighton – Licensing and Business Manager Terri Martin – Strategic Regulatory Officer	Tel. 01733 453502 Tel:01733 864103 Tel: 01733 453561

STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

RECOMMENDATIONS	
FROM: Peter Gell, Assistant Director Regulatory Services	Deadline date: 28 November 2021
<p>It is recommended that the Licensing Committee:</p> <p>1. Approve the revised post consultation Statement of Principles as attached at Appendix D and recommend that it is adopted by Council on 08 December 2021.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Licensing Committee following statutory revision and consultation of the Statement of Principles, as required by the Gambling Act 2005.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to make members aware of the amendments to the Statement of Principles following revision and consultation responses.
- 2.2 This report is for the Licensing Committee to consider under its Terms of Reference No. 2.5.2.7

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	YES	If yes, date for Cabinet meeting	N/A
Date for relevant Council meeting	08 December 2021	Date for submission to Government Dept. <i>(Please specify which Government Dept.)</i>	N/A

4. BACKGROUND AND KEY ISSUES

- 4.1 Under Section 349 of the Gambling Act 2005, it is a requirement for each Council to produce, consult, adopt and publish a Statement of Principles. This Statement will govern the way

decisions are made by the Council and how it will administer its duties under the Act. Without a Statement of Principles, the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.

4.2 The 2005 Act requires that the Statement of Principles is kept under continual review to incorporate where necessary any changes to the legislation and or Guidance as appropriate. In addition to this, the Act specifies that the Statement must be reviewed and revised on a three yearly basis.

4.3 The current three-year period began on 31 January 2019 and therefore is due to expire on 30 January 2022. The revised Statement must be drafted and consulted upon prior to it being adopted.

4.4 In formulating the revised Statement, officers have given full consideration to the requirements of the Act and guidance issued by the Gambling Commission.

5. CONSULTATION

5.1 The following outlines the procedure taken in providing the opportunity for members, statutory consultees and members of the public to be involved in the process of reviewing the Statement of Principles.

5.2 Before determining its Statement for any three-year period (as required under s.349 of the Act), the licensing authority must consult the persons listed in s.349(3) as follows:

- a) Chief Officer of Police for the area;
- b) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the area;
- c) 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.

5.3 For information purposes a list of consultees is attached at **Appendix A**

5.4 The consultation document showing track changes is attached at **Appendix B** (Track changes, additions of text are shown in red and deletions of text are shown with strikethrough)

5.5 A consultation took place between 23 August 2021 to 08 October 2021. Advice was given on the following:

- i) Options on where to access and obtain copies of the draft revised Statement
- ii) Opportunity to make relevant representations, in writing, on the draft Statement
- iii) Notification that any comments must be received by 08 October 2021

5.6 Four responses were received during the consultation period, these are attached at **Appendix C**.

5.7 In summary, the responses following consultation included:

- The response from the National Association of Bookmakers identified some outdated text within paragraph 18.7 of the draft policy. The outdated text referring to the 'five times betting rule' has been removed and the paragraph is now consistent with current guidance.
- HMRC responded to state the postal address had changed, Appendix 3 (Responsible Authority contact details), which have been updated.
- The Cambridgeshire Constabulary stated that they had no representation to make.
- PES supported the amendments, welcomed and supported the addition of the local area profile and would be willing to contribute information to support its creation.

5.8 No information or evidence was received during the consultation process to inform a local area profile. However, scoping for relevant existing available evidence to the council, will continue. As per paragraph 13.13 of the Statement: *'...When complete, the local area profile, mapping areas of concern, will be made available in a separate document alongside this policy on the council's website.'*

5.9 The revised Statement of Principles including changes made in consideration of consultation responses, is attached at **Appendix D**

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 Recommendation to Council to adopt the revised Statement of Principles as attached at **Appendix D**

7. REASON FOR THE RECOMMENDATION

7.1 To comply with our statutory requirement under section 349 of the Gambling Act 2005, to produce, consult, adopt and publish a Statement of Principles

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 The alternative option is to do nothing. This presents a risk to the council as failure to adopt a policy could result in a Judicial Review being sought.

9. IMPLICATIONS

Financial Implications

9.1 Any costs in relation to the production of the Statement of Principles will be met by income from fees.

Legal Implications

9.2 As a minimum, Licensing Authorities are required to prepare and publish every three years, a Statement of Principles it proposes to apply when exercising its functions under the Gambling Act 2005

Equalities Implications

9.3 None identified

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Guidance issued by the Gambling Commission to licensing authorities under s.25 of the Act (published 1 April 2021)
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

11. APPENDICES

11.1 Appendix A – List of consultees
Appendix B – Consultation document
Appendix C – Consultation responses
Appendix D – Final policy recommended for adoption

This page is intentionally left blank