



OPEN REPORT FULL COUNCIL

FULL COUNCIL – 28th November 2024

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES 2025 - 2028

Report of Director of Place and Economy

Report Author and Contact Details

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Wards Affected

District Wide

Report Summary

This report seeks Full Council's approval of the finalised Statement of Principles – Licensing Policy – Gambling Act 2005 2025 – 2028 after consideration by the Licensing and Appeals Committee and public consultation.

Recommendations

That the Council approves the final Statement of Principles – Licensing Policy – Gambling Act 2005 2025 – 2028 detailed in **Appendix 1**.

List of Appendices

Appendix 1 – Statement of Principles – Licensing Policy – Gambling Act 2005 2025 – 2028
Appendix 2 – EIA

Background Papers

None.

Consideration of report by Council or other committee

No.

Council Approval Required

No

Exempt from Press or Public

No

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES 2025 - 2028

1. Introduction

1.1 Background

Under the Gambling Act 2005, the Council is responsible for issuing premises licences for casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres, plus gaming machine permits in pubs, clubs, and other alcohol licensed premises.

1.2 The Act requires that the Authority carries out its various licensing functions regarding the three licensing objectives, which are:

- 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; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.3 The Gambling Act 2005 imposes a statutory requirement on the District Council, to prepare a Statement of Principles (Gambling Licensing Policy). This is the Council's tool for regulating gambling in the district. It sets out the Council's expectations of operators and ensures that the public and the Responsible Authorities, specified in the legislation, are aware of the Council's regulatory approach to gambling activities.

1.4 The Act requires the Council to review and republish its policy every three years with the final draft Policy considered by a meeting of the full Council. Historically the Council's Policy has been updated every 3 years since 2007. The existing policy was adopted by the Council in 2022 with the current Statement of Principles due to expire on the 31st January 2025. A new statement must be consulted upon then approved by Full Council before the 31st January 2025.

1.5 Statement of Principles – Licensing Policy 2025 -2028

On the 24th September 2024 a draft proposed 2025 – 2028 Statement of Principles was presented to the Licensing and Appeals Committee along with a list of changes, for members consideration prior to consultation. The Gambling Commission suggest that the published consultation copy of the Statement of Principles has 'tracked changes, as this makes it is easier for everyone to see what is being consulted upon and it is also something the gaming industry have requested. The changes were highlighted in yellow.

1.6 It was resolved at that meeting:

1. *That the draft Statement of Principles made under the Gambling Act 2005, be approved for consultation and then submission to Full Council for final approval.*
2. *That, following the consultation, authority be delegated to the Director of Place and Economy to make minor amendments and alterations to the 'Statement of Principles', in consultation with the Chair of the Licensing and Appeals Committee, prior to submission to Full Council.*

1.7 Consultation Exercise

The Consultation on the Statement of Principles- Licensing Policy 2025 -2028 – Gambling Act 2005 took place between the 30th September and 25th October 2024.

1.8 The draft policy was circulated to all consultees listed at Annex 5 of the Statement of Principles- Licensing Policy 2025 -2028 – Gambling Act 2005 presented to the Licensing and Appeals Committee on the 24th September 2024.

1.9 Two responses were received during the consultation period. One response advised that the comment at 1.6 of the Policy that stated that the National Lottery was regulated by the Financial Services Authority was incorrect. The National Lottery is now regulated by the Gambling Commission.

The second response was from Public Health, Derbyshire County Council and gave insight into gambling within Derbyshire. This was informative but not necessary to be included in the policy alongside that of the Local Area Profile. It did highlight that it would be useful to include on the Councils Licensing Gambling web page links towards promoting local treatment centres and advice for those struggling with a gambling addiction.

These additional comments were all considered reasonable and have been added to the Statement of Principles highlighted in blue. The Council web page will be finalised and updated to highlight help that is available.

2.0 **Key Issues**

2.1 The draft Statement of Principles- Licensing Policy 2025 -2028 – Gambling Act 2005 has been consulted upon ensuring that stakeholders of the service had the opportunity to comment.

2.2 Consultation comments have been included in the finalised Statement of Principles- Licensing Policy 2025 -2028 – Gambling Act at **Appendix 1**.

3.0 **Options Considered and Recommended Proposal**

3.1 It is recommended that, the draft final Statement of Principles- Licensing Policy 2025 -2028 – Gambling Act 2005 document in **Appendix 1**, be approved by Full Council and that it will take effect from the 31st January 2025.

4.0 **Policy Implications**

4.1 It is a statutory requirement to have a formal Statement of Principles- Licensing Policy 2025 -2028 – Gambling Act 2005 reviewed three yearly and approved by Full Council.

5.0 **Financial and Resource Implications**

5.1 The net cost of administering gambling licences, including the development and publication of the recommended Statement of Principles, is contained within existing budgets. Maximum fees for the Gambling Act 2005 are set by Central Government and Councils can charge up to the maximum level but not over those set by Government. The financial risk associated with the recommendation made in this report is, therefore, assessed as low.

6.0 **Legal Advice and Implications**

- 6.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act, commonly known as a policy statement. This forms the licensing authorities mandate for managing local gambling provision and sets out how the licensing authority views the local risk environments and therefore its expectations in relation to operators with premises in the locality.

The policy statement can be reviewed and revised by the licensing authority at any time but must be reviewed at least every three years and should be consulted upon with those bodies and persons set out in S.349(3) of the Act.

There is 1 decision recommended to be taken as set out at the beginning of this report. Should a decision be taken in line with the recommendation, the legal risk of challenge to this decision has been assessed as low.

7.0 Equalities Implications

- 7.1 An Equalities Impact Assessment has been carried out and a copy is attached at **Appendix 2.**

8 Climate Change Implications

- 8.1 No direct impact.

9. Risk Management

- 9.1 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006/636) and the Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006 (SSI 2006/154), set out requirements as to the form and publication of licensing authority policy statements of policy and subsequent revisions of statements. In addition to those requirements, this guidance sets out certain information that the Commission considers should be included in all licensing authority statements of policy which has been followed resulting in a low risk.

Report Authorisation

Approvals obtained from:

	Named Officer	Date
Chief Executive	Paul Wilson	19/11/2024
Director of Resources/ S.151 Officer	Karen Henriksen	14/11/2024
Monitoring Officer or Legal Services Manager	Kerry France	20/11/2024