



Full Council

1st November 2021

Subject: Gambling Act 2005 Statement of Principles (Gambling Policy) - Approval

Report by:

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Purpose / Summary:

To approve the Gambling Act 2005 – Statement of Principles following on from public consultation and on recommendation of the Licensing Committee.

RECOMMENDATION(S):

Full Council are asked to:

- a) accept the recommendation from Licencing Committee on 16 September 2021, and approve the Gambling Act 2005 – Statement of Principles 22-24 (Attached at Appendix 1) for adoption, with effect from 1 January 2022.**

IMPLICATIONS

Legal:

West Lindsey District Council as the licensing authority is responsible for the licensing of premises and the issue of permits and authorisation under the Gambling Act 2005.

The Council have a number of functions under the Gambling Act 2005, which are referred to in section 1.3 of the Statement of Principles. Alongside this Licensing Authorities are required by the Gambling Act 2005 to publish a Statement of Principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon, the statement must be then re-published

Financial : FIN/65/22/TJB

The costs of activities referred to within the Statement of Principles are all recoverable on a total cost recovery basis through the approved fees and charges associated with the relevant licensable activity.

Staffing :

There are no staffing implications.

Equality and Diversity including Human Rights :

The Statement of Principles sets out how it aligns with the Council's overall policy approach to licensing and the enforcement of licensing related matters.

Data Protection Implications :

There are no data protection implications.

Climate Related Risks and Opportunities :

None noted.

Section 17 Crime and Disorder Considerations :

As per the Council's role as the licensing authority any premises that fall within the remit of the Gambling Act 2005 will be required to ensure that they act accordingly in relation to crime and disorder. The Council retains the right to deal with these matters in its role as the licensing authority.

Health Implications:

As per the Gambling Commissions Licence Conditions licensees are required to assess the local risks to the licensing objectives posed by the provision of any gambling facilities and have appropriate controls in place to manage this. These controls include measures in relation to mental health support, alongside other requirements outlined within the Statement of Principles.

Title and Location of any Background Papers used in the preparation of this report:**Risk Assessment :**

Legislative Requirement - The Council have a number of functions under the Gambling Act 2005, which are referred to in section 1.3 of the Statement of Principles. Alongside this Licensing Authorities are required by the Gambling Act 2005 to publish a Statement of Principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re- consulted upon, the statement must be then re-published.

Legislative consultation requirement – the Council is required to consult as part of its statutory obligations, failure to do this would mean that these obligations are not then met.

Consultation Response Levels – there is no minimum response level required, however the Council is required to consult with certain parties and will endeavour to ensure that these parties respond to the consultation.

Call in and Urgency:**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes**No****Key Decision:**

A matter which affects two or more wards, or has significant financial implications

Yes**No**

1. Introduction

1.1. The Council is required to publish a Statement of Licensing Principles in relation to gambling licensing. The policy is intended to guide decision makers, applicants, objectors and others regarding the decision making process. Whilst all applications will be judged and determined on their individual merits, the policy will be the basis of the licensing authority's decisions. It also states how the Authority will work to fulfil the licensing objectives. The full document is shown in appendix 1.

2. Context

2.1. The Gambling Act 2005 applies to casinos, bingo clubs, betting shops, track betting, amusement arcades, gaming machines, prize gaming, lotteries and other forms of gambling.

2.2. The Council work with the Gambling Commission and license gambling premises in the West Lindsey district as well as issuing permits in relation to gaming machines and other forms of gambling. The Gambling Commission is responsible for granting operating and personal licences for gambling operators and personnel working in the gambling industry.

2.3. Any person or business that wishes to operate a gambling business in West Lindsey, such as a betting shop or amusement arcade, must first apply for an operating licence and any relevant personal licences from the Gambling Commission. After this they can then apply to us for a premises licence.

2.4. The Council is required to publish a Statement of Licensing Principles in relation to gambling licensing. The policy is intended to guide decision makers, applicants, objectors and others regarding the decision making process. Whilst all applications will be judged and determined on their individual merits, the policy will be the basis of the licensing authority's decisions. It also states how the Authority will work to fulfil the licensing objectives.

3. Consultation

3.1. The Statement of Principles must be published at least every three years, alongside being reviewed as required and any amended parts being re consulted upon.

3.2. The consultation took place between the 14th of June 2021 to the 6th of August 2021 and was available for comment on the Council's website and alongside this was sent directly to key stakeholders and businesses who are involved in functions related to the Act.

3.3. A number of minor wording amendments have been made, which do not affect the policy approach.

3.4. One detailed response was provided which contained a number of suggestions in relation to the wording and content of the policy. The amendments made from this are below and have been amended within the Policy.

- Page 7, Section 3.7 first paragraph: removal of the word “expect” in relation to measure necessary to promote the licensing objectives.

Replaced with “Applicants should be reasonably consistent when considering the licensing objectives referring to the protection of children and other vulnerable persons.”

- Section 4.27 has been deleted: In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention (by way of relevant representations), which undermine the licensing objectives. Non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to ensure compliance with the licensing objectives.

This section has been deleted because the Statement of Principles is clear elsewhere (at paragraph 1.30) that the licensing authority will seek to avoid any duplication with other statutory / regulatory systems. The issue of fitness and propriety are matters for the Gambling Commission alone, and not the licensing authority when determining whether or not an application for a particular premises would be reasonably consistent with the licensing objectives.

- Part B 1.2 has been deleted: Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.

This section has been deleted because the Council is already asking premises to volunteer conditions but under the Gambling Act there are no provisions for this. Any risk to the licensing objectives will be identified in the operator’s own risk assessment, which is a separate document.

- Page 50, Part C 9.6: the bullet point in relation to ethnicity has been removed as it is not understood to be a risk factor in this context.

4. Approval

4.1. The statement of principles, as attached at Appendix 1 was considered by the Council’s Licensing Committee on the 16th of September 2021 where it was

RESOLVED that the Gambling Act 2005 – Statement of Principles be approved for **RECOMMENDATION** to Full Council, at its next meeting (1 November 2021) for final determination.

4.2 Council are therefore asked to accept the recommendation from Licencing Committee and approve the Gambling Act 2005 – Statement of Principles 22-24 for adoption, with effect for 1 January 2022.

END