



**Licensing Committee**

**12<sup>th</sup> September 2024**

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

Report by:

Director – Change Management, ICT & Regulatory Services

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Purpose / Summary:

To recommend the approval of the Gambling Act 2005 – Statement of Principles following on from public consultation.

**RECOMMENDATION:**

**Licensing Committee are asked to:**

- a) Recommend to FULL COUNCIL that the Gambling Act 2005 – Statement of Principles 2025-2027 be approved.**

## 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.

The last statement was agreed in 2021.

### **Financial : FIN/60/25/MT/SL**

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.

In reference to the public health harm of gambling, the Council will undertake to raise this issue with its public health colleagues to better understand the data that is available and how it can be used to inform future policy approaches.

**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 received only one response. Around 30 individual requests for response were sent out to various stakeholders.

**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. Amendments**

3.1. There have been no major amendments made to the Statement of Licensing Principles.

3.2. The local area profile statistics in appendix 2 have also been updated.

## **4. Governance**

4.1. If the report is approved at Licensing Committee on the 12<sup>th</sup> of September 2024, it will then need to be ratified by Full Council on Monday the 4<sup>th</sup> of November 2024.

## **5. Consultation**

5.1. 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.

5.2. The consultation took place between the 10<sup>th</sup> June 2024 to the 5th August 2024 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.

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

5.4. One response to the consultation was provided to the Council and it is generally supportive of the proposed policy. There are also a number of comments provided, which have been responded to below;

- In reference to the public health harm of gambling, the Council will undertake to raise this issue with its public health colleagues to better understand the data that is available and how it can be used to inform future policy approaches.
- Reference is made to the provision of training to frontline and primary care staff to recognise the signs and harm of gambling. This is not something that the District Council is responsible for and will be raised as part of the discussion with public health colleagues.
- The Council does not currently undertake a specific local area profile assessment to analyse gambling risk as it is not believed that this is necessary. The Council has a historic understanding of its area and does not have densely gathered gambling premises that are causing concern.
- The Council will also ensure that any further changes to regulations are responded to accordingly and update this policy at such time should it be required, prior to its scheduled update in 2027.

**END**