

## **LICENSING AND REGULATORY COMMITTEE – 1 JULY 2024**

### **GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES**

#### **REPORT OF THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT**

#### **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise the Committee of the requirement on the Council, in its capacity of a Licensing Authority, to undertake a review of the Council's Statement of Principles under the Gambling Act 2005, ("the Act"), as required by Section 349 of the Act; and
- 1.2 To seek the Committee's approval to carry out a consultation exercise on the Council's proposed Gambling Act 2005 Statement of Principles for 2025 to 2028 that is proposed to have application as from and including 31<sup>st</sup> January, 2025.

#### **2.0 DESCRIPTION OF DECISION**

- 2.1 The Committee is requested to note the contents of this report and give its approval to the Licensing Section undertaking a consultation exercise on the Council's proposed Gambling Act 2005 Statement of Principles for 2025 to 2028.

#### **3.0 INTRODUCTION / BACKGROUND**

- 3.1 The Gambling Commission is responsible for the regulation of arcades, betting, bingo, casinos, gaming machine providers, gambling software providers, lottery operators, external lottery managers and remote gambling, (i.e. online and by telephone), that use British-based equipment. It is an executive non-departmental public body, sponsored by the [Department for Culture, Media and Sport](#). It has responsibility for the issuing of personal gambling licences and gambling operating licences for those who run, or manage a gambling business.
- 3.2 The Council is not involved in the licensing, or regulation of remote gambling. This is the responsibility of the Gambling Commission by means of operating licences.
- 3.3 In its role as a Licensing Authority, the Council has responsibility for the licensing and regulation of premises that are used for gambling. It aims to permit the use of premises for gambling by ensuring they are suitable for providing gambling in line with the three statutory licensing objectives as contained in Section 1 of the Act, namely,:-
  - (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - (b) Ensuring that gambling is conducted in a fair and open way; and
  - (c) Protecting children and other vulnerable persons from being harmed, or exploited by gambling.

3.4 The Council also issues various permits and notices to regulate smaller scale and / or ad hoc gambling in various other locations, such as pubs, clubs and hotels in so far as it thinks is,-

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Council's Statement of Principles.

3.5 At the time of preparation of this report, there are presently 35 premises that have been licensed by the Council for the purposes of gambling,-

<b>Premises Type:</b>	<b>Number of licensed</b>
Betting premises	22
Casinos	1
Bingo premises	2
Adult Gaming Centres	6
Family Entertainment Centres	4

3.6 Section 349 of the Act requires all Licensing Authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act. Such Statements are to apply across a stated three year period. Pursuant to the Act, the Council's Gambling Act 2005 Statement of Principles is required to be approved by Council. This important document is considered when the Council exercises its functions under the Gambling Act 2005.

3.7 The Council's current Gambling Act 2005 Statement of Principles was agreed by Council at its Meeting held on 17<sup>th</sup> November, 2021 and was subsequently published. It took effect on the 31<sup>st</sup> January, 2022 and has application up to and including 31<sup>st</sup> January, 2025.

3.8 Under the statutory procedure set out in Section 349 of the Act, (which is supplemented by the provisions contained in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, ("the Regulations"), the Council is required to undertake a review of its Statement of Principles, publish its revised Statement of Principles by 31<sup>st</sup> December 2024, and for it to be in force from 31<sup>st</sup> January, 2025.

3.9 The Act further requires that in preparing a Statement of Principles, or revision under Section 349 of the Act that the Council is required to consult with the following,-

- (a) The Chief Officer of Police for the Council's area, which in this case is Northumbria Police;
- (b) One, or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the Council's area; and
- (c) One, or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Gambling Act 2005.

## 4.0 CURRENT POSITION

- 4.1 Officers from the Council's Licensing Section have completed a review of the current Gambling Statement of Principles. The current Statement was prepared having regard to the Gambling Act 2005 and the Gambling Commission's Guidance issued to Licensing Authorities.

A copy of the Current Gambling Act 2005 Statement of Principles for 2022 – 2025 is attached at **Appendix 1**

- 4.2 Licensing Officers, working in collaboration with Public Health, have proposed some amendments to the current Statement of Principles, which can be summarised as follows,:-

- (a) Layout and clarification of terminology;
- (b) Inclusion of Public Health approach to gambling;
- (c) Removal of references to industry led publications and signposted to the North East Council on Addiction (NECA) and NHS initiatives; and
- (d) Recommendations for further consideration by the applicant relating to Location and Local Risk Assessments.

A copy of the Council's proposed Gambling Act 2005 Statement of Principles for 2025 to 2028 that is to have application from 31<sup>st</sup> January, 2025 for a three year period is attached at **Appendix 2**.

- 4.3 Subject to any amendments that the Committee may wish to propose at the Meeting, the Committee is recommended to agree that the proposed Gambling Act 2005 Statement of Principles for 2025 to 2028 be subject to consultation in accordance with the statutory procedure, with the period of consultation commencing as from and including 2<sup>nd</sup> July, 2024 until 5.00pm on 13<sup>th</sup> August, 2024.

- 4.4 The following process is to be followed,:-

1. Consultation to be carried out between 2<sup>nd</sup> July, 2024 until 5.00pm on 13<sup>th</sup> August 2024, (these dates being inclusive). This will include sending the proposed Gambling Act 2005 Statement of Principles for 2025 to 2028 by e-mail to those detailed in Paragraph 3.7 above, making a copy available at City Hall for inspection by members of the public, putting the consultation on the Council's Website and publicity via the Council's social media platforms;
2. Following Officers' appraisal of all responses received to the consultation a proposed Final Draft Gambling Act 2005 Statement of Principles for 2025 to 2028 will be presented to Licensing and Regulatory Committee at its meeting scheduled for 9<sup>th</sup> September, 2024 for its approval;
3. Cabinet will be requested to provide comments on the Final Draft Gambling Act 2005 Statement of Principles for 2025 to 2028 at its meeting to be held on 19<sup>th</sup> September, 2024;
4. The Economic Prosperity Scrutiny Committee will be requested to provide its comments and approve the Final Draft Gambling Act 2005 Statement of Principles for 2025 to 2028 at its meeting scheduled for 8<sup>th</sup> October, 2024;
5. At its meeting on 17<sup>th</sup> October, 2024 Cabinet will be further requested to make any amendments to the Final Draft Gambling Act 2005 Statement

of Principles for 2025 to 2028 that are considered appropriate in the light of comments from the Economic Prosperity Scrutiny Committee prior to it being referred to Council for approval;

6. The Final Draft Gambling Act 2005 Statement of Principles for 2025 to 2028 will be presented for consideration, approval and adoption by Council at its meeting scheduled for 13<sup>th</sup> November, 2024;
7. In the event of approval and adoption by Council, the requirements set out in Regulation 7 of the Regulations will be complied with by the Council in respect of the Council's Gambling Act 2005 Statement of Principles for 2025 to 2028; and
8. The Council's Gambling Act 2005 Statement of Principles for 2025 to 2028 will be published by 31<sup>st</sup> December, 2024, with it being in force as from and including 31<sup>st</sup> January, 2025.

## **5.0 REASONS FOR DECISION**

- 5.1 To facilitate compliance with the requirements of the Gambling Act 2005 and to ensure that the Council continues to have a Gambling Statement of Principles in place as from and including 31<sup>st</sup> January, 2025.

## **6.0 ALTERNATIVE OPTIONS**

- 6.1 None submitted.

## **7.0 RELEVANT CONSIDERATIONS**

- 7.1 It is important to ensure that the Council does not have a period of time, regardless of duration, when it does not have a Gambling Statement of Principles in force.

## **8.0 GLOSSARY**

- 8.1 No acronyms, or abbreviations have been used in this Report.

## **9.0 LIST OF APPENDICES**

- 9.1 Appendix 1 - Council's Current Gambling Act 2005 Statement of Principles 2022 to 2025
- 9.2 Appendix 2 - Council's Proposed Gambling Act 2005 Statement of Principles for 2025 to 2028.

## **10.0 Background Papers**

- 10.1 None.