

REPORT OF THE EXECUTIVE DIRECTOR NEIGHBOURHOODS

LICENSING AND REGULATORY COMMITTEE – 6 SEPTEMBER 2021

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

1. PURPOSE OF THE REPORT

- 1.1 To report to the Committee on the outcome of the consultation exercise concerning the Council's Draft Statement of Principles under the Gambling Act 2005, ("the Draft Statement").

2. DESCRIPTION OF DECISION (RECOMMENDATIONS)

- 2.1 The Committee is requested to note the contents of the Report and give their approval that the Draft Statement, subject to any comments that the Committee may wish to make, be submitted to Council for approval under the relevant provisions of the Gambling Act 2005, (the "Act"). It is proposed that the Draft Statement be considered by Council at its Meeting of the 17th November, 2021.

3. INTRODUCTION / BACKGROUND

- 3.1 The Act requires all Gambling Act Licensing Authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions with regard to gambling.
- 3.2 The Council's current Statement of Principles was agreed at a Meeting of Council on the 21st November, 2018. It was published on the 31st December, 2018 and came into force on the 31st January, 2019. The Act requires that this Statement is reviewed by the Council every three years. Any revision of the Statement is subject to a consultation exercise. The parties who must be consulted are, :-
 - The Chief Officer of Police;
 - 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
 - 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.
- 3.3 On the 26th April, 2021 the Committee authorised Officers to undertake the required consultation exercise. That consultation exercise was duly undertaken and completed.

4. CURRENT POSITION

- 4.1 Following the consultation exercise one response was received from Gosschalks, Solicitors, on behalf of the Betting and Gaming Council, (“the BGC”). As Members will be aware, the BGC is the single industry body for UK betting and gaming. Their response is attached at Appendix 1 and contains some suggested amendments to the Draft Statement.
- 4.2 Consideration has been given to the points raised by the BGC. Reference is made to the document shown in Appendix 2. The BGC’s comments are shown in the left hand column, while Officer responses to their comments are set out in the right hand column. It is proposed that some of the points made by the BGC are accepted, with commensurate amendments being made to the Draft Statement.
- 4.3 A revised Draft Statement, amended in line with the comments contained at Appendix 2, is attached at Appendix 3.
- 4.4 It is proposed that the Council publishes its revised Statement of Principles by the 31st December, 2021 and for it to be in force from the 31st January, 2022.

5. REASONS FOR THE DECISION

- 5.1 To facilitate compliance with legislation, namely Section 349 of the Gambling Act 2005 and the preparation and publication of a statement of the principles that are proposed to be applied by the Council in the exercise of its functions under the Act from the 31st January, 2022.

6. ALTERNATIVE OPTIONS

- 6.1 None submitted.

7. RELEVANT CONSIDERATIONS / CONSULTATIONS

- 7.1 As outlined in the Report.

8 GLOSSARY

- 8.1 BGC – Betting and Gaming Council.

9 LIST OF APPENDICES

- 9.1 Appendix 1 – Consultation Response – Betting and Gaming Council;
Appendix 2 – Responses to Consultation On Revised Draft Statement of Principles 2021; and
Appendix 3 – Gambling Act 2005 Revised Draft Statement of Principles.

10 BACKGROUND PAPERS

- 10.1 Gambling Act 2005;

- 10.2 Gambling Commission's Guidance to Licensing Authorities (5th Edition); and
- 10.3 Report to Licensing and Regulatory Committee – 26th April, 2021 : Gambling Act 2005 – Statement of Principles.