

GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

Relevant Portfolio Holder	Councillor N Nazir
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Council's current Statement of Principles under the Gambling Act 2005 took effect on 31st January 2019. In accordance with the provisions of the Act, the Council is required to prepare and publish a Statement of Principles every three years. A new Statement of Principles must therefore be published by 31st January 2022.
- 1.2 On 19th July 2021, the Licensing Committee approved a draft revised Statement of Principles for consultation purposes. The results of the consultation are now being reported back to the Committee who are asked to recommend to Council that the draft revised Statement of Principles be approved and published.

2. RECOMMENDATIONS

- 2.1 Members are asked to RESOLVE;**

To recommend to Council that the revised draft Statement of Principles at Appendix 3 be approved and published.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Section 349 of the Gambling Act 2005 requires that the licensing authority produce, consult on, and publish a Statement of the Principles that it proposes to apply when exercising its functions under the Act.
- 3.3 The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.
- 3.4 When revising its Statement of Principles, the Council is required to consult with: -
- the Chief Officer of Police for the Authority's area;
 - one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

Service / Operational Implications

- 3.5 Redditch Borough Council is a licensing authority in accordance with the provision of the Gambling Act 2005.
- 3.6 Each licensing authority is required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 3.7 The Council's current Statement of Principles took effect on 31st January 2019 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2022.
- 3.8 The last revision of the Statement of Principles during 2018 involved the Council significantly enhancing the content of the statement to provide more comprehensive information on how the Council approaches its roles and responsibilities in relation to the various permits and small society lotteries that it is responsible for administering and monitoring.

- 3.9 Since the Statement of Principles was revised during 2018, there have been no significant amendments to the provisions of the Gambling Act 2005. Nor have there been any major changes made to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that licensed operators have to comply with or the Gambling Commission's statutory Guidance to Licensing Authorities (GLA).
- 3.10 In light of this, only minor revisions were included in the draft Statement of Principles that was presented to the Licensing Committee on 19th July 2021. These minor revisions include updating the introduction section of the Statement to reflect the current Council Plan and the strategic purposes and priorities it identifies. The introduction section had also been updated to reflect more recent estimates on the population of the borough.
- 3.11 The draft Statement had also been revised to nominate the Worcestershire Safeguarding Children Partnership as the body competent to advise the Council on matters relating to the protection of children from harm. This is because the Worcestershire Safeguarding Children Partnership has replaced the previously nominated Worcestershire Safeguarding Children Board.
- 3.12 The list of consultees shown at Appendix B of the Statement had also been updated to reflect changes to some of the Gambling Trade Associations and to include additional organisations involved in working with people who experience problems with gambling.
- 3.13 On 19th July 2021, the Licensing Committee approved the draft revised Statement of Principles for consultation purposes.
- 3.14 Subsequently consultation on the revised draft Statement of Principles took place with all relevant parties including:
- The Chief Officer of West Mercia Police
 - The Gambling Commission
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - The Public Health Team at Worcestershire County Council
 - Organisations working with people who are problem gamblers
 - Feckenham Parish Council
 - The general public
- 3.15 The consultation was also be made available for comment via the Council's website and publicised via social media and also through the local press.

- 3.16 The consultation exercise began on the 6th August 2021 and remained open for comments until 1st October 2021.
- 3.17 There were two responses received during the consultation. The first of these responses was received from Gosschalks Solicitors and was submitted on behalf of their clients the Betting and Gaming Council (BGC). A full copy of the response can be seen at **Appendix 1**.
- 3.18 The response made on behalf of the BGC suggests a small number of amendments are made to the draft Statement of Principles before it is published by the Council.
- 3.19 Firstly it is suggested that the words “significant numbers of” should be removed from paragraph 10.2 of the draft Statement in light of the assertion that problem gambling rates are static and are about 0.5% of the population.
- 3.20 Officers respectfully disagree with this suggestion and believe that 0.5% of the population still amounts to a significant number of people. It is therefore not felt that paragraph 10.2 should be amended as suggested by the consultee.
- 3.21 The next suggested amendment in the BGC response is the removal of paragraph 12.4 from the draft Statement as they feel that where an applicant is suggesting its own ways of meeting the licensing objectives, then this is an issue for the local area risk assessment rather than within the application or premises licence itself.
- 3.22 Officers agree that this paragraph should be removed from the section headed “Premises Licences” and therefore have relocated the paragraph under the heading “Local Risk Assessment” instead. The paragraph numbers in that section have been updated in light of this change.
- 3.23 The final suggested amendment to the draft Statement in the BGC response relates to paragraph 15, which the respondent feels would be assisted by a clear statement that the mandatory and default conditions are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives and in the circumstances, it is only in exceptional circumstances where additional conditions will be imposed.

- 3.24 Officers agree that it would be helpful to include such a statement and have therefore included a new paragraph at 15.1 to state that the mandatory and default conditions prescribed under the Gambling Act 2005 are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives except in exceptional circumstances. The other paragraphs in this section of the draft Statement have been renumbered in light of the inclusion of this extra paragraph.
- 3.25 A further response to the consultation was received from the charity GambleAware. This response can be seen at **Appendix 2**.
- 3.26 Due to resource constraints, the charity was not able to provide specific feedback on the draft Statement, but did provide some useful links to tools and publications that can be used by licensing authorities to help identify areas with increased levels of risk for any reason.
- 3.27 These might include areas where there are higher than average resident or visiting populations from groups known to be vulnerable to gambling harms including children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.
- 3.28 These tools and publications will be very helpful when the Gambling Local Area Profile for Worcestershire is next updated.
- 3.29 Members of the Committee are now asked to consider the responses and recommend to Council that the draft revised Statement of Principles at **Appendix 3** be approved and published.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Principles by 31st January 2022 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Gambling Act 2005.

5. APPENDICES

Appendix 1 – Response from Gosschalks Solicitors on behalf of the Betting and Gaming Council

Appendix 2 – Response from GambleAware

Appendix 3 – Updated Draft Revised Statement of Principles Showing Tracked Changes

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