

This Report will be made public on 17 January 2022

Report Number **DCL/21/44**

To: Planning and Licensing Committee
Date: 25 January 2022
Status: Non-Executive Decision
Responsible Officer: Ewan Green - Director of Place

SUBJECT: Gambling Act 2005 – Update to the Statement of Principles

SUMMARY: Gambling Act 2005 requires the council, in its role as the local licensing authority, to prepare a Statement of Principles related to the exercise of its licensing functions. This Statement of Principles must be reviewed every three years. The current statement runs until April 2022. The Statement of Principles has been reviewed updated to cover the next three year period from 2022 to 2025. This report seeks approval from the Planning & Licensing Committee to publish the updated draft statement for public consultation.

RECOMMENDATIONS:

- 1. To receive and note report DCL/21/44.**
- 2. To agree the draft revised Gambling Statement of Principles for 2022-2025 to be published for public consultation for a six week period.**
- 3. To delegate the Director of Place to approve any minor amendments to the Policy as a result of the consultation, before being presented to Full Council for approval and adoption.**

1. BACKGROUND

1.1. Gambling activities (except the national lottery) are regulated by the Gambling Act 2005. The council is the local licensing authority for the purposes of the Act.

Its main functions are: -

- The grant of premises licences where gambling activities take place (including betting shops, bingo premises, betting tracks, adult gaming centres and family entertainment centres).
- Issuing permits for gaming machines and receiving notifications of use of gaming machines in premises licenced under Licensing Act 2003.
- Local enforcement of the Gambling Act 2005.

1.2. Within the district, there are currently: -

- 7 Betting Shops
- 4 Bingo premises
- 3 Family Entertainment Centres
- 4 Adult Gaming Centres
- 11 premises with gaming machine permits (including 2 unlicensed family centres)
- 44 premises licensed under the Licensing Act 2003, who have given notice of use of up to 2 gaming machines.

1.3. The Gambling Act 2005 requires the council, in its role as a licensing authority, to prepare a Statement of Principles related to the exercise of its licensing functions. The scope and content of the Statement of Principles is largely determined by the Gambling Act 2005 and guidance from the Gambling Commission.

1.4. The Statement of Principles must be reviewed every three years. The current statement was last updated in 2019 and runs until April 2022. The Statement of Principles has now been reviewed for the next three year period 2022 to 2025. A copy of the draft Statement of Principles is attached (Appendix 1).

1.5. Since the last review and the impact of the pandemic lockdowns much of the attention given to problem gambling and gambling addiction has focused on online betting and gaming websites, which are regulated directly by the Gambling Commission. However, studies (e.g. NHS) continue to identify 'in person' gambling particularly use of gaming machines as a 'pathway' risk to problem gambling.

2. THE DRAFT STATEMENT

2.1. The statement has been reviewed and updated based on current guidance from the Gambling Commission. There have been only minor changes to the guidance since the last review in 2019.

Main changes are as follows: -

- General update of references and area descriptions.
- Gambling Prevalence Statistics (p15) updated with the latest NHS study 2019.
- Clarification of the meaning of 'available for use' for access to gaming machine (p29).
- Update on the limits on the number of Category B gaming machines (p29, p32, p37-p38).

3. CONSULTATION

3.1. A consultation period of 6 weeks is proposed running from 26 January 2021 to 9 March 2021 inclusive. Consultation will be undertaken with: -

- Responsible Authorities (listed in the draft statement)
- Town and Parish Councils
- Operators of Premise Licences and gaming machine permit holders in the District
- Gamble Aware
- Association of British Bookmakers
- British Amusement Catering Trade Association
- Office for Health Improvement and Disparities (formerly Public Health England)

3.2. The draft statement will also be published on the council website with an invitation to submit relevant comments.

3.3. Following consultation, it is proposed that delegated authority be given to the Director of Place to make any minor amendments to the policy where needed. The draft policy will then be reported to Full Council for adoption.

3.4. Consultation responses requesting substantive changes to the statement that are not contrary to the Gambling Act 2005 or guidance issued by the Gambling Commission will be referred back to the Planning & Licensing Committee.

4. RISK MANAGEMENT ISSUES

4.1 The following risks are reported -

Perceived risk	Seriousness	Likelihood	Preventative action
Statement is contrary to the Gambling Act 2005	High	Low	Statement is drafted based on template and content as advised by the Gambling Commission.
	High	Low	

Lack of consultation with public and statutory consultees			Consultation exercised proposed.
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5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

5.1. Legal Officer's Comments (NM)

S349 of the Gambling Act 2005 requires that, every three years, licensing authorities prepare and publish the principles that they propose to apply in exercising their functions under this Act. Failure to do so would mean that the Council is failing in its statutory duty.

7.2 Finance Officer's Comments (TM)

There is no finance implications relating to this report.

7.3 Diversities and Equalities Implications (AR)

No equalities implications. The statement considers the protection of vulnerable persons and children as well as the impact of problem gambling.

6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Briony Williamson, Licensing Specialist
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 Email: briony.williamson@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

Appendices:

Appendix 1 – Folkestone & Hythe District Council - Draft Statement of Principles under the Gambling Act 2005 for the period 2022-2025