

This Report will be made public on 25 April 2022

Report Number **A/22/05**

To: Council
Date: 4 May 2022
Status: Non-Executive Decision
Responsible Officer: Ewan Green - Director of Place
Cabinet Member: Councillor David Monk – Leader of the Council

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

SUMMARY: The 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 local licensing of gambling. The Statement of Principles must be reviewed every three years and the current statement runs until April 2022. The Statement of Principles has been reviewed and updated to cover the next three year period from 2022 to 2025. This report seeks approval from Full Council to adopt and publish the updated statement.

RECOMMENDATIONS:

1. To receive and note report A/22/05.
2. To approve the updated Gambling Statement of Principles for the period 2022-2025.

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. The council has no role in regulating online gambling.

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.

The 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. The updated statement was reported to the Planning & Licensing Committee on 25 January 2022. The committee agreed that the updated statement should proceed to public consultation and the Director of Place to approve any minor amendments to the final statement as a result of the consultation, before being presented to Full Council for approval and adoption. A public consultation period of 6 weeks ran from 26 January 2021 to 9 March 2021 inclusive. Consultation was 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 was also published on the council website with an invitation to submit relevant comments.

3.3. During the consultation only one response was received, this was from Gamble Aware who said that due to resource constraints with them being a small charity, they were not able to offer specific feedback on our policy.

3.4. It is now recommended that the Council approve the adoption of the updated Gambling Statement of Principles for the period 2022-25.

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.
Lack of consultation with public and statutory consultees			Consultation exercised undertaken.

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.

5.2. Finance Officer's Comments (TM)

There is no finance implications relating to this report.

5.3. 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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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