



**Report of the Director of Resilient Communities to the
Licensing and Safety Committee
12 October 2022**

Gambling Act 2005 – Revision of Statement of Principles

1.0 Summary of report

To advise Members of a revised draft Statement of Principles that is required to go out to statutory consultation. This draft statement of principles is issued under Section 349 of the Gambling Act 2005. The consultation period will run from the 1st November 2022 to the 31st January 2023.

2.0 Recommendations

That Members consider the report and the attached draft policy and approve the draft statement of principles for statutory consultation.

3.0 Background information

- 3.1 The Gambling Act received Royal Assent on the 7 April 2005. It put in place a comprehensive framework for the regulation of gambling. The act has the following stated objectives:
- (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.
 - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.2 The licensing authority is responsible for the licensing of gambling premises, permits and registrations, the Gambling Commission issue all other associated licences (Operating and Personal Licences).
- 3.3 The Act places a duty on the licensing authority to determine its statement of principles with respect to the exercise of its functions, and to publish that statement before it starts the exercise of those functions.

- 3.4 During this three year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers necessary.
- 3.5 The first statutory three year period began on the 31 January 2007. The current statement of principles was effective from the 19 April 2019 and is given as **Appendix 1**.
- 3.6 Before the licensing authority determines its statement of principles for the next three years it must have consulted those persons listed in Section 349(3) of the act:
- (a) The Chief Officer of Police.
 - (b) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
 - (c) 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 the Act.
- 3.7 Consultation took place with those listed above on the 28th February 2022.
- 3.8 The draft revised statement has undergone some changes these are identified in the Walsall Council Gambling Licensing Consultation Guide attached as **Appendix 2**.
- 3.9 The final Statement of Principles following consultation and any revisions necessary, will subsequently be re- presented to the Licensing and Safety Committee for approval and for this Committee to formally recommend to Council, the adoption of this draft licensing policy statement which we anticipate will be effective from January 2023.
- 3.10 The draft revised statement of principles is given as **Appendix 3**.
- 3.11 For the benefit of members, **Appendix 4** is a table to show the number of applications received between 2019 – 2022 for the different types of licences under the Gambling Act 2005 together with a total number of licensed premises. The total number of licensed venues has dropped from 80 44 licensed premises since the last review.
- 3.12 Since the introduction of the 2005 Act no for reviews have had to be put before the relevant sub committees for determination.

4.0 Resource Considerations

- 4.1 **Financial:** Fees for premises licences and temporary use notices are set by the licensing authority.
- 4.2 **Legal:** The Act places a duty on the licensing authority to determine its statement of principles with respect to the exercise of its functions and to publish that statement before it starts the exercise of those functions on a three yearly cycle.

The revised statement of principles will be effective from **February 2023**. However, the statement needs to be published once the council approves the draft policy to comply with prescribed regulation. Any challenge of the licensing authority's statement of principles is initiated by way of Judicial Review.

- 4.3 **Staffing:** Nothing arising from this report.

5.0 Citizen Impact

- 5.1 The Gambling regime is permissive, this means that the Council has a statutory duty to permit gambling where it is reasonably consistent with the licensing objectives. Moral or ethical objections are not considered a valid reason to reject applications neither is expected demand or whether the proposal by an applicant is permitted by planning or building law.
- 5.2 However the licensing objectives the council must have regard to in its decision making are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 5.3 As regards the term "vulnerable persons" This draft statement of principles defines this group as people who gamble more than they want to; people whose gambling is beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
- 5.4 Therefore this consultation seeks to ensure those with an interest in gambling have the ability to make their concerns known impact on the citizens of Walsall from the adoption of this Policy and Statement of Principles should be positive and seek to protect those most at risk of any harm that may be caused by Gambling.

6.0 Community Safety

Nothing arising from this report.

7.0 Environmental Impact

Nothing arising from this report.

8.0 Performance and risk management issues

Failure to adequately consult on this draft Statement of Principles or take into consideration relevant comments made during the course of the consultation could bring the Gambling Licensing regime within Walsall into disrepute.

9.0 Equality implications

Nothing arising from this report.

10.0 Consultation

As prescribed by regulation.

11.0 Associated Papers

Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published September 2015 Parts 17, 18 & 19 updated September 2016.

Appendix 1 – Current Statement of Principles

Appendix 2 – Guide to the proposed changes to the Statement of Principles

Appendix 3 – Draft Statement of Principles 2023 – 2025

Appendix 4 – Table of applications

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