

## **Proposed Statement of Principles under the Gambling Act 2005**

### **Background to the Gambling Statement of Principles**

The Gambling Act 2005 (the Act) gives licensing authorities various regulatory functions in relation to gambling. The main functions of licensing authorities include:

- issuing premises licences (in respect of casinos, bingo premises, betting shops, tracks, adult gaming centres, family entertainment centres)
- considering notices given for the temporary use of premises for gambling
- granting permits for gaming and gaming machines in clubs and in alcohol licensed premises
- granting permits to family entertainment centres for the use of certain lower stake gaming machines
- registration of small scale society lotteries

It should be noted that Local Authorities do not regulate on-line gambling.

The Gambling Act is based on three overriding objectives -

- 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.

The Draft Gambling Act Statement of Policy and Principles explains this Authority's position in respect of the objectives and informs the decision making on whether to grant an application, whether to add any, and if so, what conditions and whether to accept an application for the review of a licence or seek a review in its own right.

Licensing policies must be prepared in accordance with the Act. Guidance issued by the Gambling Commission prescribes the information that must be included in the policy, but the policy must also reflect local circumstances hence the importance of local consultation.

### **Proposed Gambling Statement 2022-2025**

Since the licensing function was transferred from the Magistrate's Court in 2007, this Authority has not seen a proliferation of new gambling outlets in the Borough. Neither have we received many complaints about the operation of gambling premises. Our policies have primarily reflected our commitment to ensuring that children and vulnerable persons are protected from harm or being exploited by gambling.

Although the proposed Statement does not make any reduction in the principles currently applied when determining applications under the Act, it has been strengthened in a number of areas as laid out below:

1. Section 10 of the proposed Statement amplifies the principles that the Authority will apply in exercising its powers under the Act to determine whether a person is an interested party. In

particular it makes it clear that this Authority will interpret the definition of the term 'has a business interest' in the widest possible way and will include, for example, representatives of charities, faith groups, medical practices and business improvement districts (Paragraph 10.9). In addition, the Statement makes it clear that the Authority will generally require written evidence that a person 'represents' someone, who either lives sufficiently close to the premises to be likely to be affected by the authorised activities, and, or has business interests that might be affected by the authorised activities. A letter or email from one of these persons requesting the representation will be sufficient. This would not apply to Councillors or MP's provided they are intervening on behalf of a person living within their Ward or Constituency (Paragraph 10.10)

2. A new section has been added to the Statement regarding the definition of 'premises' (Paragraphs 12.12 -12.18). This builds on the experiences of other Licensing Authorities dealing with applications to split one existing premises into two or three venues in order to increase the number of higher value gaming machines that can be provided. The Statement of Principles now clearly lays out the expectations of the Authority when considering such applications.

3. It is proposed to add a section to the statement regarding the information that should be provided on the plans submitted with all new or variation premises licence applications. This will assist in ensuring that premises are providing the gambling activity for which they are licenced, with any gaming machine provisions being ancillary only (Paragraphs 12.19- 12.22 )

4. New sections have been included in the Statement relating to:

Travelling fairs (Section 14)

Permits (section 18)

Temporary Use Notices (Section 19)

Occasional Use Notices (Section 20)

Small Society Lotteries (Section 21)

Previous Statements have not included any reference to the Council's policy with regard to the above-mentioned matters. The opportunity has now been taken to include into policy the custom and practice of this Authority regarding the processing and enforcement of permits and small society lottery registrations. Although the Council has not yet had to deal with Travelling Fairs, Temporary or Occasional Use Notices it is proposed that the Statement of Intent should, nonetheless, include reference to them and, where appropriate, the Council's expectations when processing any such application in the future.

5. Sections of the existing Statement relating to the integration of Council Strategies have been removed. There is no requirement under the Gambling Act or associated Guidance to refer to Council strategies but it should be noted that when drawing up the Statement of Intent care has been taken to ensure that it complements the Council's overall aims and policies

### **Risk assessment and local area profiles**

Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. . From April 2016, gambling establishment operators have been required to undertake 'local area risk assessments' for all their premises The assessments have to be reviewed in response to significant changes in local circumstances, including those identified in licensing policies. Operators have to undertake a local risk assessment when applying for a new premises licence and when

applying to vary their licence and must share these with licensing authorities when applying for a new or varied licence.

Amendments have been made to this Statement of Policy to clearly indicate matters that the Authority would expect to be included in a local risk assessment (Appendix B to the Statement). For example, if a gambling outlet is to be located within close proximity to a school we would expect licensees to have sufficient controls in place to mitigate associated risks, e.g. implementing a robust challenge 25 policy and ensuring that the premises is so designed that children cannot see gambling taking place.

In order to assist operators in the risk assessment process, Local Authorities are encouraged to publish local area profiles including, for example, information on social deprivation, crime statistics, areas with a high concentration of children, location of venues such as existing gambling premises, educational establishments, centres dealing with vulnerable persons, leisure centres, playgrounds, libraries and pay day loan and pawn shops. This Authority has not published a local area profile to date. It is now proposed to do so. This will comprise maps forming part of the Statement of Policy indicating deprivation scores across the borough at Lower Layer Super Output Area (LSOA) level and location of existing gambling premises, educational establishments, community facilities and pay day loan and pawn shops as well as local ward profiles setting out the demographic, economic and crime profiles of every Ward in the borough. The Ward Profiles will be available on the Council's website, but will not form part of the Statement of Policy and Principles.

### **No casino policy**

The Council approved a 'no casino' resolution at its meeting on 12th December 2006 and re-stated it in 2009, 2013, 2015 and 2018. In making the resolution, full Council considered the following matters:

- Consultation responses showed that the majority of respondents did not want a casino in the borough
- Absence of an apparent demand by the gambling industry for a casino in the borough
- No regeneration issues
- The view of Councillors

There have been no changes to the profile of the borough that would indicate that the Council should change its position on resolving to adopt a 'no casino' policy and it is therefore proposed that the policy be re-stated