

## Gambling Act 2005: Statement of Licensing Principles 2022-2025

<b>Final Decision-Maker</b>	Full Council
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Lorraine Neale
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

### Executive Summary

Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. Section 155 states that this function may not be delegated from Council and so this Committee is recommending a proposed document to Council following consultation.

The purpose of this report is to ask the Licensing Committee to consider the consultation responses and any proposed amendments to the draft Policy.

The 4 week consultation commenced 28 September 2021 and concluded 25 October 2021 and those responses are included in the report which is seeking approval for the adoption of the amended Statement of Principles at Council on 8 December 2021

### Purpose of Report

Decision.

### This report makes the following recommendations to this Committee:

1. That the consultation responses received be noted;
2. That full council be recommended to approve the draft Gambling Act 2005 Statement of Licensing Principles Policy 2022-2025, as attached at Appendix 1 to the report;

### Timetable

<b>Meeting</b>	<b>Date</b>
Council	8 <sup>th</sup> December 2021

# Gambling Act 2005:Statement of Licensing Policy 2022 - 2025

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	<ul style="list-style-type: none"> <li><i>This Policy will help to promote a safer borough whilst protecting the health of residents by helping to ensure that gambling activity is safe and controlled</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Cross Cutting Objectives</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Risk Management</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>[Senior Licensing Officer</i>
<b>Financial</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Staffing</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Legal</b>	<ul style="list-style-type: none"> <li><i>The Licensing Authority must formally review its adopted Statement of Principles for the Gambling Act 2005 Policy. Section 349 of the Act requires the authority to review this every three years and keep it under review from time to time. Without an up-to-date Policy in place, this could leave the authority open to legal challenge over the legitimacy of any decisions made</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Privacy and Data Protection</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>
<b>Equalities</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	<i>Senior Licensing Officer</i>

<p><b>Public Health</b></p>	<p><i>Harm from gambling has become a serious and worsening public health problem in the UK and is found at the individual, social (family and friends) and community levels. This includes financial hardship, psychological distress and interpersonal conflict or relationship breakdown. The harm from gambling to wider society includes fraud, theft, loss of productivity in the workforce and the cost of treating this addiction, associated anxiety and depression, and potential harms to others from reduced usable income.</i></p>	<p><i>Health and Inclusion</i></p>
<p><b>Crime and Disorder</b></p>	<ul style="list-style-type: none"> <li>• <i>The Council has a statutory duty to contribute to the reduction of crime and disorder within the Borough under S.17 of the Crime and Disorder Act 1988. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime is one of the licensing objectives as defined in the Gambling Act 2005 and in the current statement of Licensing Principles.</i></li> <li>• <i>Section 17, Crime and Disorder Act 1998</i> <i>17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.</i></li> <li>• <i>The Statement helps to promote a safer borough whilst protecting the health of residents by helping to ensure that gambling activity is safe and controlled</i></li> </ul>	<p><i>Senior Licensing Officer</i></p>
<p><b>Procurement</b></p>	<ul style="list-style-type: none"> <li>• <i>No implications have been identified</i></li> </ul>	<p><i>Senior Licensing Officer</i></p>

<b>Biodiversity and Climate Change</b>	<ul style="list-style-type: none"> <li>• <i>There are no implications on biodiversity and climate change.</i></li> </ul>	<i>Senior Licensing Officer</i>
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough Council is the Licensing Authority under the provisions of the Gambling Act 2005 (the Act).
- 2.2 In accordance with the above Act Licensing authorities are required to develop, consult on, and publish a Statement of Gambling Policy every three years that sets out the principles they propose to apply in exercising their functions under the Gambling Act 2005 during that period.
- 2.3 The current policy was approved at Full Council on 12 December 2018 but needs to be revised and re-published by 31 January 2022 for a further three-year period.
- 2.4 A revised draft of the policy was put before the Licensing Committee at their meeting of 16 September 2021, at which they agreed to authorise officers to consult with all interested parties and the results of the consultation be reported back to Licensing Committee and recommendation to Full Council for approval.
- 2.5 The gambling objectives are:
- i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
  - ii) ensuring that gambling is conducted in a fair and open way and
  - iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.6 The draft Policy that went out for consultation (Appendix 1) provides clarity to applicants and other parties to support the application process, to create efficiencies and manage and demonstrate expectations. It should ensure that applicants have a clear understanding of the impacts of their licensed business or proposed activities on others and what they must do to enhance the positive impacts and mitigate any detrimental impacts. There have been no changes to the intent or direction of the Policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making
- 2.7 A consultation exercise was carried out in accordance with the Act and Statutory Guidance over a 4 week period between 28 September and 25 October 2021.
- 2.8 An extensive list of interested parties were contacted directly and invited to comment on the revised draft policy. In addition, public notices inviting comment were placed on the Council's website. The full list of consultees is included in the draft policy at appendix 5.

2.9 The draft policy was made available to view electronically online and in hard copy at the council offices.

2.9.1 Three responses were received during the consultation period and are attached as Appendix 2, they are from:

1. Maidstone Borough Councils Healthy Lifestyle Officer,
2. Gambleaware
3. Staplehurst Parish Council

2.9.2 Below are the comments and Officer response:

1.

**• It is recommended to make consideration of public health a licensing objective, to ensure greater consideration of public health and levels of gambling-related harm when processing licensing applications for new gambling venues.**

Currently S.157 of the Act identifies the bodies that are to be treated as responsible authorities and Public Health Authorities are not listed. This would require a change to legislation.

However, Maidstone Borough Council have not received any new applications for a Gambling premise since 2007, which was for Ladbrokes, Hermitage Lane. From 2007 to the present date we have had the same number of Gambling premises licensed:

- 1 Bingo
- 13 Betting Shops
- 3 AGC's
- 1 UFEC

**• Effective partnership working to ensure implementation of existing laws on gambling by those who are underage.**

All licensed gambling premises are required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice, those items alongside the Local Authorities Statement of Principles and any conditions attached to a gambling premise licence provide an effective approach to Gambling and its problems, especially underage gambling.

**• Use of legislation to tighten regulation of the gambling industry and the sponsorship, marketing, promotion and offers, especially online marketing which is currently reaching children and young people.**

Premises must adhere to the Advertising and marketing rules and regulations in the Gambling Commission's Social Responsibility Code of Practice.

## [Licence Conditions and Codes of Practice \(LCCP\)](#)

2.

The response from Gambleaware did not suggest any amendments or changes to the Statement of principles but provided information and links to materials that could assist Local Authorities in determining whether there were high risk gambling problems in their areas, contact information for those who wish to seek advice and support for any gambling problems were also provided.

3.

**Having read the Draft Statement of Licensing Policy we consider the 3 Licensing Objectives are sound. However, in the main text, whilst there is reference to alcohol and drug addictions there is no reference to gambling addiction.**

**All risk assessments should make reference.**

The reference to alcohol and drug addiction in the Statement of Principles is made in relation to the Local Area Profile. Local Authorities should map their assessment of local risk and concern. One of the many factors to consider would be whether there were any hostels or support services for vulnerable people in a specific high risk area, especially those with drug and alcohol addiction issues and/or are homeless as they are a group at greater risk of problem gambling.

Currently there is no evidence of any existing problem and the position is kept under review, should the position change research would be undertaken to discover the extent of the problem and determine the steps to undertake to address any issues. Any risk assessment made would be a direct result of a reported gambling problem and ultimately would include addiction so would be referenced.

**The Council, as the Licensing Authority should not allow gambling premises to be open 24hours. This is an obvious incentive for vulnerable people to assemble and can only encourage gambling addicts accrue larger debts and continuing mental problems. If the Council has no control over 24 hour opening then they should lobby the Gambling Commission and or Government to so enforce.**

Most gambling premises licenses have conditions attached which fall into one of three categories:

Mandatory – defined nationally by Regulations – may not be removed from licence, unless further Regulations are made by the Secretary of State;

Default – defined nationally by Regulations – applicants may request that these are excluded when they make their initial application (or later, by applying to vary the Premises licence);

Locally set by the Licensing Authority – will be imposed on a case-by-case basis in response to a specific issue affecting the individual premises, possibly following the receipt of a representation.

Usually the default conditions are applied to licences and they specify the hours a premises can operate. However that is not the case in relation to Adult Gaming Centres there are no default conditions on hours and so they can apply to be 24 hour if they wish. All gambling premise applications are subject to consultation and the delegated responsible authorities notified when an application is received. The applicant is required to advertise the application, both at the premises and a local newspaper, to alert local residents and businesses. If no objections are received then the Local Authority MUST grant the licence. If objections are received then the application would be considered by Licensing Sub Committee.

Applications for Premise licences where default conditions apply but the applicant wishes to exclude them would require the application to be considered at a public hearing by Licensing Sub Committee.

The consultation process allows for the opportunity to object to a 24 hour licence and so currently there is no requirement to lobby the Gambling Commission or Government.

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### **3. AVAILABLE OPTIONS**

- 3.1 That the Draft Statement of Principles be agreed to be adopted as from 31 January 2022.
- 3.2 After considering consultation responses whether any amendments are required to be made to the Statement of Licensing Principles.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 That the Draft Statement of Principles be agreed to be adopted as from 31 January 2022.

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### **5. RISK**

- 5.1 If option two is followed it risks the policy not being in place by the statutory deadline if further public consultation is required.

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### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 Included as Appendix 2
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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

Once agreed by Full Council and following one month's notice in a newspaper, the approved revised policy statement which takes effect from January 2022 will be made available electronically and in hard copy form on request.

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## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Draft Statement of Licensing Principles 2022 -2025
  - Appendix 2: Consultation responses
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## **9. BACKGROUND PAPERS**

[Gambling Act 2005](#)

[Gambling Act 2005 Guidance to Licensing Authorities](#)

[Licence Conditions and Codes of Practice \(LCCP\)](#)