

Title: Gambling Act 2005 Statement of Principles for the period of  
January 2022 to January 2025

Lead Officer: Rachael Russell 01926 456738

Portfolio Holder: Councillor J Falp

Wards of the District directly affected: All Wards

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## **Summary**

This report seeks the consideration and formal adoption of the Gambling Act Statement of Principles for 2022 – 2025.

## **Recommendation(s)**

The Committee recommends to Council on 17 November 2021, that the revised statement of Gambling Policy for this period be received and adopted.

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## **1 Background/Information**

- 1.1 The authority is required to produce a Statement of Principles (Policy) to enable it to issue licences and enforce the provisions of the Gambling Act 2005.
- 1.2 The existing policy expires on the 30 January 2022. Copy attached as Appendix 1 to the report.
- 1.3 The proposed policy, attached as Appendix 2 to the report, was written in conjunction with our Warwickshire group of authorities. The group includes Rugby, Nuneaton and Bedworth, North Warwickshire, Coventry and Stratford-on-Avon District Council. We have co-written this statement to produce one combined policy with some minor differences to allow for local statistical data and considerations. The changes between the current and the proposed new policy are attached as Appendix 3 to the report.
- 1.4 A six week consultation was conducted with regards to the proposed policy for 2022 -2025. Consultation was carried out with members of the trade, the public, responsible authorities, gambling charities, Chamber of Commerce, the Gambling Commission, Association of British Bookmakers, British Amusement Catering Trade Association, Gamcare, Gambleaware as well as members.
- 1.5 The Council, as the licensing authority, is bound to produce a Statement of Principles as defined in the Gambling Act. Applications cannot be determined until the authority has done so.
- 1.6 If accepted by Council, this policy will be valid from 31 January 2022 to 30 January 2025.

## **2 Alternative Options available to Licensing and Regulatory Committee**

- 2.1 The Council has no option but to adopt a Policy as defined in the Act and cannot receive applications unless there is a Policy in place. There is limited discretion

over how and when this is done and therefore members can support the proposed Policy or amend the Policy.

### **3. Consultation and Member's comments**

- 3.1 During the consultation period three comments were received by Town Councillors. These were considered and did not alter the proposed policy in any way.

### **4. Implications of the proposal**

#### **4.1 Legal/Human Rights Implications**

- 4.1.1 Under the Gambling Act 2005 it is a statutory requirement to publish a Statement of Principles every three years.
- 4.1.2 The Licensing Authority must have regard to the Gambling Commissions Guidance to Licensing Authorities when making its policy.

#### **4.2 Financial**

- 4.2.1 No licences may be issued or revised if a Policy is not in place. Any costs associated with the preparation of this policy are contained within existing budgets.

#### **4.3 Council Plan**

- 4.3.1 The Warwick District Council's Business Plan has six core themes, which will impact either internally or externally. This policy will have the following relevance and impact as set out below.
- 4.3.2 In respect of Services – Green, Clean, Safe – The gambling policy recognises that residents within, and visitors to the District, need a safe environment to live, work and visit; and that safe and well-run gambling premises are important to the wellbeing of any person within the District.
- 4.3.3 The Gambling Policy/Statement of Principles, provide guidance, consistency, best practices, transparency, proportionality and promotes safety and wellbeing to the community. This contributes to the Council's strategy of making Warwick District a great place to live, work and visit.
- 4.3.4 The policy outlines the way in which this Authority will assist in preventing gambling from being a source of crime. It highlights the procedures for enforcement protocols and best practices, and promotes working in partnership with the Gambling Commission, Responsible Authorities and Operators, and ensures that the licencing objectives are met.

#### **4.4 Environmental/Climate Change Implications**

- 4.4.1 There are no environmental issues that are affected by this report.

#### **4.5 Analysis of the effects on Equality**

- 4.5.1 Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination in relation to protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, and to advance equality of opportunity and foster characteristics excluding marriage and civil partnership.
- 4.5.2 This policy addresses how the authority will deal with applications for licences in a fair and open way. This applies across the whole of the district.

4.5.3 The policy does not present any particular equality issues in these regards.

#### **4.6 Data Protection**

4.6.1 There are no data protection implications.

#### **4.7 Health and Wellbeing**

4.7.1 The policy provides guidance on the scope that can be considered in respect of applications that fall under the Gambling Act. The Gambling Act sets out the licensing objectives which 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 people from being harmed or exploited by gambling.

### **5 Risk Assessment**

5.1 The Council, as the Licensing Authority, is bound to produce a Statement of Principles, as defined in the Gambling Act 2005.

5.2 If the Council does not have a policy, it cannot deal with applications received under the Gambling Act. The Policy could be challenged potentially successfully if it is not lawful. It is therefore important that this is revised and updated periodically.

### **6 Conclusion/Reasons for the Recommendation**

6.1 The Council has an obligation to publish and review its Gambling Policy every three years in order to issue, administer and enforce the provisions of the Gambling Act 2005.

#### **Background papers:**

Consultation Responses 2021

#### **Supporting papers:**

[Guidance to licensing authorities - Gambling Commission](#)

### Report Information Sheet

Please complete and submit to Democratic Services with draft report

<b>Committee/Date</b>	15 November 2021	
<b>Title of report</b>	Gambling Act 2005 Statement of Principles for the period of January 2022 to January 2025	
<b>Consultations undertaken</b>		
<b>Consultee *required</b>	<b>Date</b>	<b>Details of consultation /comments received</b>
<b>Ward Member(s)</b>		
<b>Portfolio Holder WDC &amp; SDC *</b>	29/10/21	Query over Family Entertainment Centre.
<b>Financial Services *</b>	29/10/21	
<b>Legal Services *</b>	29/10/21	Two comments re wording which has been accepted.
<b>Other Services</b>		
<b>Chief Executive(s)</b>		
<b>Head of Service(s)</b>	29/10/21	
<b>Section 151 Officer</b>		
<b>Monitoring Officer</b>		
<b>CMT (WDC)</b>		
<b>Leadership Co-ordination Group (WDC)</b>		
<b>Other organisations</b>		
<b>Final decision by this Committee or rec to another Ctte/Council?</b>	Yes	Recommendation to : Council .....Committee
<b>Contrary to Policy/Budget framework</b>		No
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>		No
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>		No
<b>Accessibility Checked?</b>	Yes	File/Info/Inspect Document/Check Accessibility