

Gambling Act 2005 – Revision of Statement of Principles 2025-2028

Licensing Committee Wednesday, 2 October 2024

Report of: Deputy Chief Executive

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

The Council is required by the Gambling Act 2005 to publish a Statement of Principles setting out how it proposes to exercise its functions under the Act. The existing Statement of Principles was published on 28th January 2019. Every three years the Authority must review this policy statement, consult on any proposed changes and then adopt a new policy.

In preparing a revision a Licensing Authority shall consult statutory consultees as per Section 349(3) of the Gambling Act 2005. In accordance with the Gambling Commission's Guidance (Chapter 9) where a statement is reviewed and changes proposed, we must consult on any revision. It is only the revision that needs to be consulted on.

A White Paper proposing amendments to the Gambling Act is, or was, going through the parliamentary process and is or may be likely to come into effect during 2025. The Gambling Commission have also advised that they will not be updating their Guidance to Licensing Authorities until such time as the legislation is amended. These documents are used to formulate the Authority's Statement of Principles.

It has therefore been determined by the Licensing Authority that no changes are required to the Statement of Principles at the current time, save for updates to Chapter 2 'Welcome to Tandridge District' with the current population and relevant facts and figures.

This report supports the Council's priority of: Putting residents at the heart of what we do. A safe, healthy and caring community supporting those most in need. A thriving economy.

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Recommendation to Committee:

That the Committee consider this Report and approve the Draft Statement of Principles and recommend to Council the reaffirmation of the Council's Statement of Principles for Gambling.

Reason for recommendation:

The Licensing Authority is required under Section 349 of the Gambling Act 2005 to prepare and publish a statement of the principles it proposes to apply when exercising its functions under the Act and to review it from time to time. Failure to adopt the statement of principles will result in the Council being unable to consider the Statement of Principles when considering applications under the Act.

Introduction and background

- 1.1 Tandridge District Council, as the Licensing Authority for the District, is obliged to compile and implement a Statement of Principles in accordance with the provisions of the Gambling Act 2005 and the "Guidance to Local Authorities" from the Gambling Commission issued under Section 25 of that Act. This statement must be revised every three years. The original statement has been amended over time in accordance with changes to the legislation.
- 1.2 The current Statement has served well in dealing with applications made under the Gambling Act 2005 and no aspects of the current Statement have been subject to legal challenge.
- 1.3 No amendments have been made to the Authority's current Statement of Principles, other than updating Chapter 2 'Welcome to Tandridge District' with the current population and relevant facts and figures.
- 1.3. A short consultation took place during August 2024 with statutory bodies and members of the trade. No comments were received in relation to the proposal that the Statement of Principles for Gambling be reaffirmed.

- 1.4 A review of the Gambling Act 2005 is pending, and a White Paper is progressing through Parliament. This is likely to necessitate significant changes to the legislation and its supporting Guidance issued by the Gambling Commission.
- 1.5 The Gambling Commission have confirmed that they will not be updating their Guidance that all Authorities must consider when developing/reviewing their policies until after the changes to the legislation.
- 1.6 In light of the impending changes to the legislation and guidance it is expected that a further full review of the Statement of Principles will be required during the next 12 – 18 months. The Authority will conduct a full review and consultation exercise once the new legislation and Gambling Commission Guidance have been issued.

Risk Implications

- 2.1 Advertising and adopting the revised Statement of Principles by 31st January 2025 will satisfy the requirements of section 349 of the Gambling Act to review the Statement of Principles at least every 3 years. Failure to publish a revised Statement of Principles within the required time frame could result in reputational damage with the Gambling Commission and the licensed trade. Failure to publish an adequate revised Statement of Principles could increase the likelihood of successful legal challenges to how the Council exercises its functions under the Gambling Act 2005, resulting in financial and reputational damage.
- 2.2 Officers conducted an informal review of the Statement in 2021 and determined that no changes were required. Considering the additional pressures that the Authority was under at that time with Covid restrictions, a full review was deemed not necessary due to the higher priorities placed on the Team at that time in relation to Covid.

Consultation

- 3.1 There is no requirement to consult on a Statement of Principles when no changes have been made or proposed. However, a stakeholder consultation took place during August 2024 advising them that it was our intention to not make any changes to the Statement. No comments were received from the stakeholders.

Key implications

Comments of the Chief Finance Officer

There are not expected to be any additional financial implications in adopting the recommendations of this report, barring officer time which is already included in the Council's budgets.

Comments of the Head of Legal Services

The Licensing Authority is required under Section 349 of the Gambling Act 2005 ('the Act') to prepare and publish a statement of the principles it proposes to apply when exercising its functions under the Act and to review it from time to time. Failure to adopt the statement of principles will result in the Council being unable to consider the revised statement when considering applications under the Act.

In preparing the statement, the Licensing Authority must consult the following people for its area:

- a) The Chief Officer of Police
- b) People representing the interests of persons carrying on gambling businesses
- c) Persons who represent the interests of persons who are likely to be affected by the Council exercising its functions under the Act

Before the revised Statement of Principles comes into effect, regulations require the Licensing Authority to publish its new statement for a period of four weeks on the Council's website and make the statement available for public inspection. The Licensing Authority must also advertise the fact that the Statement is to be published by publishing a notice on its website, and in one or more of the following places:

- a local newspaper circulating in the area covered by the statement
- a local newsletter, circular, or similar document circulating in the area covered by the statement
- a public notice board in or near the principal office of the authority
- a public notice board on the premises of public libraries in the area covered by the statement.

The Council is required to have regard to any current Government Guidance when carrying out any licensing functions under the Gambling Act 2005 including its Statement of Principles.

Employment and Resource Implications

There are no employment and resource implications arising as a direct result of this report.

Communications

There have been no communications requirements in relation to the content of this report.

Equality

There are no changes proposed to the Statement of Principles, apart from updating the demographic information. There are no equality implications as a direct consequence of this report. However an Equalities Impact Assessment will be reviewed and updated as part of the consultation process.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix 'A' - Statement of Principles for Gambling

Appendix 'B' - Consultation Letter to Stakeholders

Background papers

The Gambling Act 2005

Guidance to Licensing Authorities published 1st April 2021 by the Gambling Commission

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