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| REPORT TO: | | Council | |
| DATE: | | 07 November 2024 | |
| PORTFOLIO: | | Councillor Melissa Fisher - Deputy Leader of the Council (Housing and Communities) | |
| REPORT AUTHOR: | | Licensing Manager on behalf of the Executive Director (Legal and Democratic services) (Ext 2278) | |
| TITLE OF REPORT: | | Gambling Act 2005 – Review of Statement of Principles | |
| EXEMPT REPORT (Local Government Act 1972, Schedule 12A) | Options | Not applicable | |
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| KEY DECISION: | Options | If yes, date of publication: | |

1. Purpose of Report

1.1 To advise members of the responses received to the consultation in respect of the Council’s draft revised Gambling Act 2005 Statement of Principles and to propose a policy for approval, having regard to the responses received.

2. Recommendations

2.1 Members are asked to consider and agree the final draft of the revised Gambling Act 2005 Statement of Principles. All recommended amendments to the draft report following the consultation period are highlighted for ease of reference. A copy of the amended Draft policy is attached at Appendix 1.

3. Reasons for Recommendations and Background

3.1 Section 349 of the Gambling Act 2005 requires that the Licensing Authority (the Council) prepare and publish a Statement of Principles (the Policy) every three years.

3.2 The existing Policy has been kept under review since coming into force in January 2022.

3.3 In producing the draft policy the Licensing Authority has had due regard to –

- The Gambling Act 2005 licensing objectives namely;

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - Ensuring gambling is being conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- The Guidance to Licensing Authorities issued by the Gambling Commission (5th edition)
 - Responses from those consulted on the Gambling Policy.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The Gambling Act 2005 requires that the Licensing Authority must review and publish its policy every three years; consequently any decision not to review or publish the policy would be contrary to the Act.

5. Consultations

- 5.1 The draft proposals were advertised on the Council's website, with the consultation period running for 12 weeks from 15th July 2024 to 30th September 2024. Letters were sent out to the gambling trade and a public notice and information about the policy and consultation was placed in all of Hyndburn's public libraries. The consultees comprised:

- Council chief officers and service heads
- Gambling Commission
- HM Revenue and Customs
- Lancashire Constabulary
- Lancashire Fire and Rescue Service Authority
- Lancashire County Council – including Lancashire Area Child Protection Committee and Trading Standards Section
- All neighbouring Councils
- Licensing Solicitors
- The British Casino Association
- Casino Operators Association of the UK
- Company Secretary, Casino Operators Association of the UK
- Business in Sport and Leisure
- Racecourse Association Ltd
- British Holiday & Home Parks Association
- Community Trade Union

- All Gambling and Licensing Premise Licence Holders
- All Small Lottery Licence Holders
- The general public by way of the Councils website

5.3 Response to consultation

There were 2 representations received during the consultation period. The Policy has been amended to reflect some of the comments in the consultation response submitted by Gosschalks Solicitors. The changes are highlighted in the attached policy at paragraphs 12.9 and 12.45. However although the second response was considered the licensing manager did not think the Statement of Principles is the correct place to address the issues raised for the following reasons:

- The Gambling Act 2005 specifically requires the Council to 'aim to permit' gambling. The legislation does not enable the policy to address general moral or ethical objections to gambling per se. The policy is instead intended to ensure that the Council addresses the statutory licensing objectives.
- Problem gambling is dealt with under Government initiatives and by the Gambling Commission codes of practice.
- One of the licensing objectives covered by the policy is protecting children and vulnerable people from being harmed or exploited by gambling. This would be considered when any applications for a licence are received and conditions can be added to licences to promote the achievement of this objective.

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| Financial implications (including any future financial commitments for the Council) | None |
| Legal and human rights implications | <p>The proposals are within the Council's licensing powers under the Gambling Act 2005.</p> <p>A statement of principles must be reasonable and proportionate. However, the proposed statement of principles cannot fetter the Council's discretion and each matter will be judged on its own merits, but having regard to the statement of principles. Any statement of principles introduced will, therefore, guide the Council, but cannot bind it in every case.</p> |

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| | <p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> <p>To assist the Members in this regard a Customer First Analysis has been prepared in respect of the proposed new policy and is attached as Appendix 4 to this report. The members are advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.</p> <p>The final decision as to the adoption of the proposed statement of principles is to be determined by the Council.</p> |
| <p>Assessment of risk</p> | <p>Adoption of the draft statement of principles outlined in this report should not result in any adverse implications or risk for the Council</p> |
| <p>Equality and diversity implications A <i>Customer First Analysis</i> should be completed in relation to policy</p> | <p>A Customer First Analysis is attached.</p> |

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| <i>decisions and should be attached as an appendix to the report.</i> | |
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6. **Local Government (Access to Information) Act 1985:**
List of Background Papers

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Appendix 1 Gambling Act 2005 Statement of Principles Draft
Appendices 2 & 3 - Responses received during the consultation period
Appendix 4 - Customer first analysis.