

Agenda Item No: 4
Report To: LICENSING COMMITTEE
Date of Meeting: 17 November 2021
Report Title: Statement of Principles for Gambling
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Environmental Protection & Licensing Team Leader
Portfolio Holder Cllr. Peter Feacey
Portfolio Holder for: Community Safety and Wellbeing



Summary:	The purpose of this report is to present the review and consultation of the Ashford Borough Council's Statement of Principles for Gambling for 2022-2025
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Key Decision: NO

Significantly Affected Wards: All

Recommendations: **The Committee is recommended to:-**

- i. **Note the review of the existing statement of principles, and consultation responses.**
- ii. **Recommend the republishing of the Statement of Principles for Gambling 2022-2025 to council.**

Policy Overview: The determination of gambling licences and permits is a statutory duty and provides protection to prevent gambling being a source of crime and disorder, to ensure gambling is conducted in a fair and open way, and, to protect children and other vulnerable persons from being harmed or exploited by gambling.

Our statement of principles for gambling guides members of the public, applicants, elected members, and officers on such matters.

The development the Statement of Principles for Gambling 2022-2025 is a statutory duty

Financial Implications: None

Legal Implications None

Equalities Impact Assessment	See attached
Other Material Implications:	None
Exempt from Publication:	NO
Background Papers:	Gambling Policy Statement 2019-2022 available via; https://www.ashford.gov.uk/media/q3vjxnfr/abc-gambling-policy-2019-2022.pdf
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Report Title:

Statement of Principles for Gambling

Introduction and Background

1. The purpose of this report is to present to the Licensing Committee the review of Ashford Borough Council's Statement of Principles for Gambling and result of the statutory consultation, which as a statutory document must be published prior to the 1 February 2022.
2. The copy the current statement of principles is referenced in the background papers associated with this report.
3. At the time of writing this report, the authority current administer;
 - 10 betting (non-track) premises
 - 1 bingo premises
 - 2 adult gaming centres
 - 60 lottery registrations
 - 57 'automatic' gaming machine notifications
 - 8 licensed premises gaming machine permits
 - 4 club machine permits
4. The determination of gambling permits and licence applications is a statutory duty and aims to prevent gambling from being a source of crime and disorder, ensures that gambling is conducted fairly and openly, and that children and vulnerable persons are protected from harm or exploitation by gambling.
5. There is a general principle to permit gambling under section 153 of the Gambling Act 2005, and that when determining an application the Licensing Authority cannot take into account;
 - Expected demand for a gambling premises
 - Planning or building restrictions
 - Moral or ethical objections to gambling
 - Dislike of gambling
 - A general notion that gambling is undesirable
6. It should however be noted that not all areas of gambling are regulated by the Licensing Authority, but responsibility is split with the Gambling Commission. As such, some topics that receive higher levels of public interest such as maximum stakes are not within the control of the council.
7. A policy relating to the determination of applications not only guides the decision-maker but also services to inform an applicant about what they should consider in preparing their application.

8. The statement of principles sets out how the council will approach the making of decisions, indicating what the council considers to be important, what control measures it will be looking for, and so forth.
9. It is vital that the policy does not turn into a rule that is applied inflexibly and fetters the exercise of discretion. There must be a willingness to consider individual applications on their particular merits.
10. The current statement of principles expires on the 31 January 2022, and the proposed re-publishing of the statement of principles for gambling acts to ensure that we continue to have an up to date statement of principles.

Proposal/Current Position

11. Following the statutory consultation, described later in this report, no responses were received from; statutory consultees, holders of Gambling Act authorisations within the borough, or, other interested parties.
12. Further review of the statement of principles, has also not revealed any changes to relevant legislation, statutory guidance, or local changes, which appear to justify any change to the council's policy and approach with respects to gambling.
13. It should however be noted that the Gambling Commission's Guidance to Licensing Authorities was last updated in May 2021
14. Therefore based on the consultation and review, it is proposed to republish the Statement of Principles for Gambling for the period 2022-2025 with relevant updates to administrative non-policy areas (i.e. the foreword, borough demographics, etc.)

Implications and Risk Assessment

15. The update to this policy is not anticipated to have any significant implications.
16. Judicial Review is a risk if the policy strays beyond the requirements of the Act, or restricts legal activities without due and appropriate cause

Equalities Impact Assessment

17. The policy will affect all persons involved in or affected by a relevant licensable activity in the borough, irrespective of gender, race, disability, sexuality or age. Recipients of the policy include holders of licences, members of licensing sub-committee, authorities e.g. Kent Police, Kent Fire & Rescue Service, etc. and all of the borough's businesses, residents of the borough and those who visit and use local gambling offerings.
18. An updated equalities impact assessment is attached as *Appendix A*

Consultation Planned or Undertaken

19. Consultation of the Statement of Principles for Gambling is a statutory requirement.

20. The public consultation ran from 1 September 2021 for eight weeks.
21. During the public consultation a public notice was displayed at the Civic Centre, an advert published in the local paper, published online, and relevant bodies were written to.
22. Details of bodies consulted are provided within the statement of principles.

Other Options Considered

23. As a statutory requirement under the Gambling Act 2005, the Licensing Authority must publish a Statement of Principles for Gambling for 2022-2025.
24. Whilst the Statement of Principles for Gambling must contain certain information as defined, the expectations of the Council are to an extent open to allow local considerations to be taken into account.

Reasons for Supporting Option Recommended

25. During the review of the 'Statement of Principles for Gambling' legislation, guidance, and consultation feedback has been considered.
26. The republishing of the document will ensure that the policy remains up to date, and can be usefully applied by the council, officers, applicants, and the general public.

Next Steps in Process

27. Following adoption by Full Council the updated draft Statement of Principles for Gambling will be published on the council's website, and made available at the Civic Centre. Additionally a final notice will be published on the council's website and at the Civic Centre stating where the document can be inspected, the date it would be published, and the date in which it will take effect.
28. The above elements form part of the statutory publishing requirements.
29. The final Statement of Principles will be subject to statutory review after three years, along with any periodic review brought about by changes in the council's approach, or change to relevant legislation

Conclusion

30. The republishing of this document is based on the need to protect the general public and vulnerable persons from the potential harms associated with gambling.
31. It is recommended that the Licensing Committee recommend the republishing of the Statement of Principles for Gambling to Full Council.

Portfolio Holder's Views

32. "The re-publishing of the statement of principles ensures that the council can continue to effectively protect to the general public and vulnerable persons (including children, those suffering with addiction problems, and, those with mental health issues) from potentially adverse effects of gambling"
Councillor Peter Feacey

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Appendix A: Equalities Impact Assessment