

# HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

26 June 2023

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## REVIEW OF STATEMENT OF PRINCIPLES GAMBLING ACT 2005

FOR APPROVAL FOR CONSULTATION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/011/2023

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### 1. Purpose

- a. The purpose of this report is to seek approval of the Licensing Committee of the draft revised Statement of Principles under the Gambling Act 2005 for public consultation.

### 2. Recommendation

- a. Members are requested to:
  - i. Approve the revised Statement of Principles under the Gambling Act 2005 for the purpose of consultation.

### 3. Executive Summary

- a. Section 249 of the Gambling Act 2005 requires licensing authorities to publish a statement of principles that it proposes to apply in exercising its functions under the Act every three years.
- b. The Council's current Statement of Principles expired in January 2021, and therefore is overdue for review.
- c. The Gambling Commission's 'Guidance to Licensing Authorities' was last updated in April 2023, and so this review presents an opportunity to ensure that the Statement is consistent with current guidance from the main regulatory body for gambling activities.

- d. The revised Statement can be found at Appendix A with proposed additions shown in green font. Some amendments have been made to the overall layout of the document to make it more accessible to our customers

#### **4. Additional Budgetary Implications**

- a. There are no additional budgetary implications as a result of this report.

#### **5. Background and relationship to Corporate Strategy and supporting strategies and policies**

- a. Wellbeing: The regulation of gambling activities aims to protect children and vulnerable persons from gambling-related harm. By publishing this Statement, the Council has taken into consideration the local profile of the Borough and how partner agencies and operators can work together to ensure the safety of those who choose to participate in gambling activities, and those who are prohibited from doing so.
- b. Pride in Place: Publishing a statement of how the Council intends to exercise its functions with respect to gambling provides gambling operators with transparency, enabling them to submit applications and operate their premises with full knowledge of the relevant legislation, conditions, guidance and local policies. Liaison with partner agencies and implementing a proactive enforcement programme for gambling activities may also drive improvements relating to communities, safety, and place.

#### **6. Options considered**

- a. The licensing authority is required by law to publish its Statement of Principles every three years. As the review is overdue, there are not alternative options to reviewing the Statement this year.

## **7. Resource implications**

### **a. Financial implications**

- i. The costs of administering gambling licences and permits, and undertaking enforcement action where required, are covered by the Licensing Team's existing budget. Application fees are set by central Government and are set as such to ensure that the administration of applications remains cost neutral.

#### **Section 151 Officer comments**

The review does not impact or change any existing budget pressure, nor does it add any new pressures. All costs can be met within existing budgets. Therefore, this has my approval.

Steven Pink, Chief Finance Officer (S151)

Havant Borough Council

### **b. Human resources implications**

- i. There are no human resources implications as a result of this report.

### **c. Information governance implications**

- i. The revised Statement of Principles does not propose to collect or process any additional data in addition to that already covered by the Council's privacy policy. Following adoption of the revised Statement, it would be best practice to develop a new Data Protection Impact Assessment for the licensing authority's functions that relate to gambling.

### **d. Climate and environment implications**

- i. There are no climate or environment implications as a result of this report.

## **e. Other resources implications**

- i. To ensure an efficient licensing service for our customers, the Council may consider developing an online application system. This would enable customers to make their applications from home, upload supplementary documents online, reduce postage and printing costs and reduce incorrectly completed applications.

## **8. Legal implications**

- a. The Gambling Act 2005 requires the licensing authority to publish its Statement of Principles every three years. This revised Statement is proposed to cover a three year period from the date of adoption.
- b. The Statement is intended to set out the general approach that the Council will take when making licensing decisions. However, each application will be considered on its own individual merits.
- c. In producing this Statement, the Council has had regard to the licensing objectives, the guidance issued by Gambling Commission. It will also take into consideration any comments received from those consulted on the Statement, making necessary amendments prior to adoption.
- d. The Licensing Authority will have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005:
  - 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 persons from being harmed or exploited by gambling.

### **Monitoring Officer comments**

As stated above, The Gambling Act 2005 requires the licensing authority to publish its Statement of Principles every three years. This revised Statement is proposed to cover a three year period from the date of adoption. On this basis, the report raises no issues for the Monitoring Officer.

Jo McIntosh

## **9. Risks and mitigations**

- a. Exposure to challenge: The Statement of Principles could be challenged by Judicial Review, but as an open and fair consultation will have taken place and the Council's decision-making process is considered lawful, a successful challenge is considered unlikely.
- b. Reputation: The Statement of Principles clearly outlines the Council's expectations of applicants and licensees, and details the principles that will be considered in exercising its functions as licensing authority. Aligning this Statement with national guidance published by the Gambling Commission demonstrates that the Council aims to achieve consistency with other licensing authorities and avoid unnecessary burdens on licensees.
- c. Timescales: The current Statement of Principles must be referred to, pending adoption of the revised Statement. It is recognised that the current Statement is overdue for review and therefore it is essential that the Council also refer to the Gambling Commission's most recent guidance to ensure that decisions made are consistent with current national practices.

## **10. Consultation**

- a. It is proposed that the draft revised Statement of Principles undergoes a 4-week public consultation process following approval by the Licensing Committee.

- b. Whilst the consultation is public and any organisation or individual may submit comments, the Council is required to specifically consult the following parties:
- The Chief of Police for the area;
  - One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses; and
  - One or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act.
- c. It is proposed to invite the submission of comments via post and email.

## **11. Communications**

- a. The Licensing Team will work with the Council's Public Relations Team to share details of the consultation and how to make comments on the appropriate social media channels and in other public communications.

## **12. Appendices**

- a. Appendix A: Draft Revised Statement of Principles, Gambling Act 2005

## **13. Background papers**

- a. Licensing Committee – Thursday 30 November 2017 17:00, Item 14:  
Gambling Act 2005 Statement of Principles

### **Agreed and signed off by:**

**Portfolio Holder:** Councillor Elizabeth Lloyd 15/06/2023

**Executive Head:** Alex Robinson 15/06/2023

**Monitoring Officer:** Jo McIntosh 15/06/2023

**Section 151 Officer:** Steven Pink 13/06/2023

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