

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

16 August 2023

REVIEW OF STATEMENT OF PRINCIPLES GAMBLING ACT 2005

FOR RECOMMENDATION FOR ADOPTION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/028/2023

1. Purpose

- a. This report outlines the responses received during the consultation period for the proposed changes to the Council's current Statement of Principles under the Gambling Act 2005.

2. Recommendation

- a. Members are requested to:
 - i. Review comments received during the consultation, approve any amendments to the policy required as a result of consultation responses, and recommend the policy for adoption by Full Council.

3. Executive Summary

- a. The Council is reviewing its Statement of Principles, required under Section 249 of the Gambling Act 2005 to be published every three years. The aim is to incorporate guidance issued by the Gambling Commission and ensure that the policy is reflective of the local area profile.
- b. 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.

- c. Following a Licensing Committee meeting held on 26 June 2023, the Council sought the views of representatives of persons interested in carrying on gambling activities, representatives of those who may be affected by the Council's operation under the policy, the general public and other licensing authorities during a four-week consultation. Responses were invited in writing to the Licensing Department. The consultation period ended on 30 July 2023.

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 Council has considered the responses received during the consultation period, all of which are either neutral or in support of the proposed changes. Therefore, it is not considered that any further amendments need to be made to the proposed policy prior to it being recommended for adoption by Full Council.

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. There are no other resource implications as a result of this report.

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 has also taken into consideration comments received during the consultation, and deemed that no additional amendments are required.
- 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.

- Sarita Riley, Solicitor

Head of Legal Partnerships

Southampton, Fareham & Havant Legal Partnership

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 has 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. A four-week public consultation has been undertaken, ending on 30 July 2023. The consultation involved writing to Responsible Authorities, bodies that represent the interests of licence holders, and bodies that represent the interests of those who may be affected by the Council's operation under this policy (i.e. Residents Associations).
- a. A total of two responses were received during the consultation, all of which are either neutral or in support of the proposed changes.
- b. The responses received during the consultation are shown in full at Appendix A.

11. Communications

- a. The Licensing Team will publish its revised Statement of Licensing Policy on the Council's website following adoption.

12. Appendices

- Appendix A: Consultation Responses
 - a. Draft Revised Statement of Principles

13. Background papers

- a. Licensing Committee – Monday 26 June 2023 17:00, Item 9:
Review of Statement of Principles, Gambling Act 2005
- b. Licensing Committee – Thursday 30 November 2017 17:00, Item 14:
Gambling Act 2005 Statement of Principles

Agreed and signed off by:

Portfolio Holder: Cllr Elizabeth Lloyd 08/08/2023

Executive Head: c/o David Fitzgerald 08/08/2023

Monitoring Officer: c/o Sarita Riley 08/08/2023

Section 151 Officer: Steven Pink 04/08/2023

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