

**Report to:** Licensing Committee

**Date:** 27 July 2021

**Title:** Review of the Eastbourne Borough Council Gambling Act Statement of Principles

**Report of:** Tim Whelan – Director Service Delivery

**Ward(s):** All

**Purpose of report:** To review the Eastbourne Borough Council Statement of Gambling Principles and agree a six-week public consultation.

**Officer recommendation(s):** (1) The Committee review the Eastbourne Borough Council Gambling Act Statement of Gambling Principles.

(2) The Committee authorise the Senior Specialist Advisor to start a six-week consultation with the public, trade and interested bodies.

(3) That following the consultation period the Functional Lead Quality Environment Specialist, in conjunction with the Chair of the Licensing Committee, be delegated to consider the consultation responses and make any minor changes to the Statement of Gambling Principles and then recommend the same to Full Council for approval. That in the event of substantial changes being suggested by the consultation to the Statement of Gambling Principles that a report be brought back to a Licensing Committee.

**Reasons for recommendations:** Statutory requirement to review the Statement of Principles every three years.

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## **1 Introduction**

- 1.1 The Gambling Act 2005 (“the Act”) requires Licensing Authorities to prepare and publish for a three-year period, a Statement of Gambling Principles for their area which apply when exercising it’s functions under the Act.
- 1.2 The Act places a duty on the Licensing Authority to develop a Statement of Gambling Principles that promotes the three licensing objectives:

- 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, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.3 The current Statement of Gambling Principles was approved by Full Council after review and public consultation and came into effect on 20th February 2019.

1.4 The Act requires Licensing Authorities to review the Statement of Principles every three years.

1.5 The amended Statement of Principles attached as Appendix A will be the subject of a 6-week consultation which will include members of the trade, responsible authorities, current licence holders and elected members.

1.6 Further details of who will be consulted can be found on page 4 of the Statement of Principles (Appendix 1).

## **2 Changes to the Statement of Principles**

2.1 There are no significant changes to the Statement of Principles.

2.2 There is a minor amendment to the procedure for obtaining a permit for three or more Gaming Machines in Licensed Premises.

2.3 Currently Premises licensed for the sale of alcohol for consumption on site are automatically permitted to have two Gaming Machines of Category C or D. To have three or more, an application must be made to the Licensing Authority.

2.4 The current Statement requires applicants to show how the extra machines will be monitored and those under 18 will be prevented from using them.

2.5 The amendment adds a requirement by the applicant to supply a plan of the premises showing the intended positions of the extra machines. This will assist the Council when determining the application for the maximum supervision of the machines by the premises staff.

2.6 The change is highlighted in Part C Section 2 of the Statement in Appendix 1.

2.7 The draft of the amended Statement of Principles is included at Appendix 1 and will be published for a six-week consultation period starting on the XXXXXXXX. We propose to consult with the Chief Officer for Sussex Police, representatives of those in the Gambling Trade, those likely to be affected by the authority's functions, and through Public Consultation via [www.lewes-eastbourne.gov.uk](http://www.lewes-eastbourne.gov.uk).

## **3 Financial Impact**

3.1 There are no additional financial implications to this report.

## **4 Legal implications**

- 4.1 Under section 349 Gambling Act 2005 a licensing authority shall before each successive period of three years prepare a statement of the principles which they will apply in exercising their functions under the Act during that period. The same section states that the Licensing Authority shall consult with the Chief Officer of Police, those who represent the interests of people carrying on gambling businesses in the authority's area and those who appear to the authority to represent the interests of people who are likely to be affected by the exercise of the authority's functions.
- 4.2 The Licensing Authority should also take account of The Gambling Act 2005 (Licensing Authority Policy Statement) Regulations 2006 which states the legal rules for the form of the Statement and the procedure to be followed in preparing and publishing a Statement.
- 4.3 This Report was considered by the Legal Section on 2 July 2021 (IKEN-10270-MW).

## **5 Risk management implications**

- 5.1 In accordance with the Council's Risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. A failure by the Council to review and adopt a Statement of Principles contravenes Section Gambling Act 2005 and renders it impossible for the Gambling Sector within the District to be properly administered and enforced.

## **6 Equality analysis**

- 6.1 There are no Equality implications associated with this report.

## **7 Environmental sustainability implications**

- 7.1 There are no sustainability and/or carbon reduction implications associated with this report.

## **8 Appendices**

- 8.1 Appendix 1 - Proposed new Gambling Act 2005 Statement of Principles.

## **9 Background papers**

- 9.1 Gambling Commission Guidance to Licensing Authorities.