

Report to: Full Council

Date: 22 November 2021

Title: Review of the Lewes District Council Gambling Act Statement of Principles

Report of: Tim Whelan – Director Service Delivery

Ward(s): All

Purpose of report: To provide an update to Full Council following consultation and feedback on the revised Gambling Act Statement of Principles for the period 2022 -2025 and ask Full Council to approve the Statement of Principles.

Officer recommendation(s): That Council approves the Gambling Statement of Principles made under S349 of the Gambling Act 2005 for 2022-2025.

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 requires Licensing Authorities to prepare and publish a Statement of Gambling Principles for their area covering a period of three years. The current Statement of Gambling Principles was approved by this Council and came into effect on 25 February 2019.
- 1.2 The Act requires Licensing Authorities to review their Statement of Principles every three years.
- 1.3 Following a decision by the Licensing Committee on 29 July 2021, the amended Statement of Principles attached as Appendix A was subject to a 6-week consultation period from 9 August to 20 September 2021 which included members of the trade, responsible authorities, current licence holders and elected members.
- 1.4 Further details of who was consulted can be found on page 4 of the Statement of Principles (Appendix 1).

- 1.5 It was agreed at the Licensing Committee on 29 July 2021, that the Functional Lead Quality Environment Specialist in conjunction with the Chair of Licensing Committee would be delegated to consider the consultation responses and make any minor changes that were necessary and then recommend the Gambling Statement to Full Council. If substantial changes were suggested by the consultation, it would be brought back to the Licensing Committee for consideration.

2 Changes to the Statement of Principles

- 2.1 There are no significant changes to the Statement of Principles being recommended.
- 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 page 20 on of the Statement in Appendix 1.

3 Consultation Result

- 3.1 The consultation responses were supportive of the new minor changes and the comments were not significant or relevant to the proposed change.
- 3.2 A summary of the consultation responses can be found in Appendix 2.
- 3.3 As there were no substantial changes suggested by the consultation, and no additional minor changes considered necessary except those set out in paragraph 2, it has been agreed with the Chair of Licensing Committee to recommend the Gambling Statement directly to Full Council for approval as set out in Appendix 1.

4 Financial appraisal

- 4.1 There are no additional financial implications to this report.

5 Legal implications

- 5.1 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.
- 5.2 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.
- 5.3 This Report was considered by the Legal Section on 10 November 2021 (IKEN-5721-LDC-MW).

6 Risk management implications

- 6.1 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

7 Equality analysis

- 7.1 There are no equality implications associated with this report.

8 Environmental sustainability implications

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

9 Appendices

Appendix 1 – Proposed new Gambling Act 2005 Statement of Principles.
Appendix 2 – Summary of Consultation Responses

10 Background papers

Gambling Commission Guidance to Licensing Authorities.
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>.