

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

meeting date: TUESDAY, 7 SEPTEMBER 2021  
title: GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES  
submitted by: CHIEF EXECUTIVE  
principal author: STEPHEN BARKER

## 1 PURPOSE

1.1 To inform Committee of the requirement to review the Council's Statement of Principles Gambling Act 2005 ("**Act**") and seek Committee's authorisation to consult upon the amendment attached at Appendix 1.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives -        }
  - Corporate Priorities -         }
  - Other Considerations -        }
- The Council aims to be a well-managed Council these proposals support that objective.

## 2 BACKGROUND

2.1 It is a legal requirement under the Act that a Council must have a Statement of Principles which is reviewed and published at least every three years. If amendments are made during the three-year period since the Statement of Principles was last legally reviewed, it must still be reviewed again, in line with the 3 yearly requirements.

2.2 The Council's current Statement of Principles was first approved and took effect from 31 January 2007, and it has been reviewed and re-published in 2010, 2013, 2016, and 2019. The Statement of Principles must be published four weeks before it comes into effect. It comes into effect on 31 January 2022 and hence it must be published by 3 January 2022 the Statement will then remain in force until January 2025.

## 3 ISSUES

3.1 There are three licensing objectives under the Gambling Act 2005 namely:

- Preventing gambling from being a source of, or associated with, crime and disorder;
- Ensuring gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable people from being harmed or exploited by gambling.

3.2 There are four principles which the Council must apply in carrying out its duties under the Act:

- The Licensing Objectives (as set out above);
- Licensing Conditions and codes of practice;
- Guidance to licensing authorities; and
- Its own Statement of Principles.

- 3.3 The Gambling Commission's Licence Conditions and Codes of Practice ("LCCP") which were revised and published in October 2020 formalised the need for operators to consider local risk.. A business operator is required to produce a Local Risk Assessment, and the Licensing Authority can produce a Local Area Profile to assist applicants and licence-holders in producing their risk assessments.
- 3.4 Local risk assessments apply to all non-remote casinos, adult gaming centres, bingo premises, family entertainment centres, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.
- 3.5 Local risk assessments are intended to be live documents and will need to be revisited and refreshed on a premises-by-premises basis as local circumstances change. Operators are encouraged to engage with relevant Licensing Authority when updating a premises risk assessment to discuss their expectations about the assessment and to be more reflective of the local risks, rather than just including the companywide policies and procedures in relation to the licensing objectives.
- 3.6 Since the requirement was introduced the Gambling Commission has shared with Licensing Authorities a number of examples where councils have set out their expectations for local risk assessments and identified local risks in their Statements of Principle and have encouraged Council's to consider including more information when their Statements of Principle are reviewed.
- 3.7 The Gambling Commission has also written to Councils reminding them that the function of the Statement of Principles is to reflect locally specific gambling concerns and circumstances, to reflect the Council's wider strategic objectives and to provide a point of reference for gambling activity.
- 3.8 The advice from the Commission explains that active and iterative use of the Statement of Principles can play an important role in setting expectations about how gambling will be regulated locally, and that the Statement of Principles is one means by which a licensing authority can make clear its expectations of gambling operators which have premises in their area or others such as pubs and clubs who site gambling machines. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required. It also reduces the risk of matters being escalated to a licensing committee and further regulatory action.
- 3.9 Although it is not a mandatory requirement for licensing authorities to have a local area profile, many recognise that having one will assist new applicants and licence-holders in producing their risk assessments. Like the Gambling Commission, since 2016, the Local Government Association similarly has been encouraging Licensing Authorities to consider the local risks in the form of a local area profile which will help operators ensure their local risk assessments address all premises specific concerns.
- 3.10 The Council's revised Statement of Principles is enclosed as Appendix 1 for consideration by Committee. The revised version includes reference to a LAP and a copy of the 2018 LAP is enclosed with this report at Appendix 2. This will be updated for Committee and, If approved, this will become Appendix C to the Statement of Principles. Committee is asked to consider approve consultation upon the draft statement and updated LAP.

- 3.11 During the last 13 years it is considered that the Council's policy has worked well, but there have been relatively few applications for new licences to test it. To put this into context Committee should note that in Ribble Valley there are:
- 1 Bingo Premises Licence
  - 2 Betting Premises Licences
  - 2 Family Entertainment Centre Gaming Machine Permits
  - 1 Club Gaming Permit
  - 6 Club Machine Permits
  - 3 Licensed Premises Gaming Machine Permits
  - 40 Notification of 2 or less Gaming Machines (Alcohol Licensed Premises)
- 3.12 The Council has not received any complaints about premises licensed to allow gambling, unlike other regulated areas, such as alcohol, as gambling is much less visible as a concern for local residents and businesses.

#### Consultation

- 3.13 The Act specifies that the following bodies which must be consulted:
- The Chief Officer of Police for the Authority's area;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's areas; and
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 3.14 It is suggested that the reviewed document is distributed for comments to:
- HM Customs and Excise;
  - The Gambling Commission
  - Neighbouring licensing authorities;
  - Local solicitors and licensing consultants
  - Responsible Authorities
  - Persons/bodies representative of the trade association
  - Persons/bodies representing interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005 – including all the Council's members.
- 3.15 It is recommended that the consultation take place from 10 September 2021 to 25 October 2021 and that the results of that consultation and the draft Statement of Principles be brought back to Committee for consideration and then be referred to Council for approval on 14 December 2021. Once approved by Council the Statement of Principles must be advertised in accordance with regulations. It must be displayed on the Council's website and by one or more of the methods specified in the regulations. It is recommended that the Council's website and social media are used for this purpose to secure a wider audience and keep advertisement costs to a minimum.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources –There are no financial risk or resource implications other than officer time.
- Technical, Environmental and Legal – The Council has a statutory obligation to review and re-publish its Gambling Statement of Principles every three years. Not to do so could result in the Statement of Principles being challenged, and if challenged successfully, could result in the Council's reputation being harmed.
- Political – N/A
- Reputation – See above
- Equality and Diversity – N/A

#### 5 **RECOMMENDED THAT COMMITTEE**

5.1 Approve the draft Gambling Statement of Principles detailed in Appendix 1 and 2 of the report and authorise the Head of Legal and Democratic Services to consult upon them between 10 September 2021 and 24 October 2021 and that the results of that consultation be reported back to committee.

STEPHEN BARKER

SOLICITOR

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CHIEF EXECUTIVE

For further information please ask for Stephen Barker extension 3216.

REF: SJB/Licensing Committee/7 September 2021.