



## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Licensing Committee	05 November 2024
Council	26 November 2024

Wards affected: All wards

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### **Gambling Act 2005 – Gambling Policy known as a “Statement of Principles” (Refresh)**

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#### **Report of Director of Community Services**

##### **1. Purpose of report**

- 1.1 To inform members of the review of the statement of principles as required under the Gambling Act 2005, noting no material changes have taken place and to agree to the re-adoption of the statement of principles as required by the Gambling Act 2005.

##### **2. Recommendation**

- 2.1 The Licensing Committee notes that there are no material changes and recommends to Council the re-adoption of the Statement of Gambling Principles.

##### **3. Background to the report**

- 3.1 In April 2023 there were several updates to the Gambling Act 2005 of which many of the changes were to make the Act more consistent, changing local authorities to licensing authorities through the Act. There were several changes that relate to online gambling and the responsibilities of those holding an operator's licence. These are areas controlled and managed by the gambling commission for which the Licensing Committee have no responsibility for, or power to amend. These changes in national gambling regulation and policy do not require any amendments to the statement of principles presented to this Committee.
- 3.2 The responsibility for regulatory activity on gambling is split between the licensing authority and the national regulator, the Gambling Commission. The Commission issues licences to gambling operators and individuals and issues

guidance to local authorities as to how we should exercise our powers under the legislation. The Commission can impose conditions on operators, develop codes of practice and investigate claims of illegal gambling or any breaches of the requirement of the legislation. Where it considers such action appropriate it will suspend or revoke licences and issue unlimited financial penalties. Certain activities such as the National Lottery and spread betting remain separate from this regime and the responsibility of the Gambling Commission and Financial Services Authority respectively.

- 3.3 Local Authorities designated as licensing authorities are responsible for issuing premises licenses to casinos, betting offices, bingo clubs, racecourses, adult gaming centres (AGC for over 18s only) and family entertainment centres (FEC) where children are allowed. The local authority also issues gaming machine permits for gaming machines and small society lotteries.
- 3.4 Section 349 of the Gambling Act 2005 requires that the Licensing Authority prepare and publish a statement of principles every three years.
- 3.5 The statement of principles must be produced in consultation with persons and bodies stipulated by the Act, these are:
  - Chief Officer of Police for the authority's area.
  - Persons who appear to the authority to represent the interests of gambling businesses in the area.
  - Persons who appear likely to represent or have interests likely to be affected by the exercise of the authority's functions under the Act.
- 3.6 In determining its statement of principles the authority must have regard to the guidance and give appropriate weight to representations made regarding:
  - Interest and expertise of person making the representation.
  - The motivation of those making representations.
  - How many people have expressed similar views.
  - How far representations relate to matters that should be included in the statement of principles.
- 3.7 Whilst the refreshed statement of principles introduces no specific changes to legislation, the council is required to re-adopt the statement of principles every 3 years. As such, the Council is recommended to further endorse the statement of principles outlined in Appendix A.

#### **4. Exemptions in accordance with the Access to Information procedure rules**

- 4.1 The report is to be taken in open session.

#### **5. Financial implications [MT]**

5.1 There are no financial implications arising for the Council from the above proposal.

## **6. Legal implications [ST]**

6.1 Contained within the body of the report.

## **7. Corporate Plan implications**

7.1 The statement of principles will contribute to the Councils Corporate Plan objective of supporting people to take measures to reduce crime and antisocial behaviour and protect people from harm.

## **8. Consultation**

8.1 The draft statement of principles was published on the Councils website and consultation has taken place with the following persons and bodies:

- The Chief Constable, Leicestershire Constabulary
- Leicestershire and Rutland SCP and SAB
- The Gambling Commission
- HM Revenue & Customs
- Leicestershire Fire & Rescue Service
- The Planning Authority
- Environmental Health
- Hinckley & Bosworth Borough Council elected Members
- Parish and Town Councils
- Existing licensees, Hinckley BID
- Gam Care, Gamblers Anonymous & Gamble Aware

8.2 Hinckley BID, Parish Councils and Councillors thanked the service for sharing the statement of principles with them.

8.3 Gamcare were unable to make comment on the specific statement of principles, but provided generic advice, directed officers to several publications.

8.4 Gamble Aware work in partnership with the Gambling Commission and the Responsible Gambling Strategy Board. Although resource they were unable to offer specific feedback on the statement of principles, they fully support the work of all local authorities

## **9. Risk implications**

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion

based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following table shows the risks associated with these report /decisions:

Reputation from negative press coverage from enforcement	Ensure that any enforcement carried out is in accordance with the relevant enforcement policy.	Mark Brymer
Legal compliance	Ensure the licensing service is compliant with legislation.	Mark Brymer

## 10. Knowing your community – equality and rural implications

10.1 The Gambling Act 2005 will have equal impact on all areas of the Borough.

10.2 An Equality Impact Assessment has been undertaken and is available.

## 11. Climate implications

11.1 There will be no additional climate implications as a result of this decision.

## 12. Corporate implications

12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Planning implications
- Data protection implications
- Voluntary sector

Background papers:

The Gambling Commission - Guidance to Licensing Authorities  
 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales)  
 Regulations 2006 (S.I 636 of 2006)

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