



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Licensing Committee	31 August 2021
Council	5 October 2021

Wards affected: all wards

The Gambling Act 2005 – Statement of Principles (Refresh)

Report of Director of Environment & Planning

1. Purpose of report

- 1.1 To consider the Gambling Policy (Statement of Principles) in light of the recent consultation exercise and for the Licensing Committee to recommend the policy for adoption by the Council.

2. Recommendation

- 2.1 It is recommended that the policy be adopted by the Council.

3. Background to the report

- 3.1 The responsibility for regulatory activity on gambling is split between local 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.
- 3.2 Local Authorities designated as licensing authorities are responsible for issuing premises licenses to casinos, betting offices, race tracks, bingo clubs, adult gaming facilities (for over 18s only) and family entertainment centres

where children are allowed. The local authority also issue permits for gaming machines and small society lotteries.

- 3.3 Under the provisions of the Gambling Act 2005 Hinckley & Bosworth Borough Council is the Licensing Authority for the administration and enforcement in specified circumstances of 'gambling', defined as betting, gaming and participating in a lottery.
- 3.4 Section 349 of the Gambling Act 2005 requires that Hinckley & Bosworth Borough Council as licensing authority prepare and publish a statement of principles every three years. The Borough Council's Statement of Principles is due for renewal by January 2022.
- 3.5 The statement of principles is required to clearly place the promotion of the licensing objectives of the Act as central to its purpose. These are:
 1. Preventing gambling from being used as a source of crime or, being associated with crime and disorder or used to support crime;
 2. Ensuring gambling is conducted in a fair and open way;
 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.7 The statement 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.

Further detail is shown in section 8 under Consultation.

- 3.8 In determining its policy the authority must have regard to the guidance and give appropriate weight to representations made with regard to:
 - 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 policy.
- 3.9 The policy is attached and is recommended for adoption by the Council.

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 [AG]

5.1 None.

6. Legal implications [MR]

6.1 The legal requirements relating to the Statement of Principles, the consultations to be carried out before any changes are made, and the procedure for agreeing to any amendment are set out adequately in 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 A period of consultation has taken place with the Statutory Consultees, and other organisations as follows:

- The Chief Constable, Leicestershire Constabulary;
- Leicestershire & Rutland Safeguarding Partnership;
- The Gambling Commission;
- HM Revenue & Customs;
- Leicestershire Fire & Rescue Service;
- The Planning Authority;
- Environmental Health;
- Community Safety;
- Hinckley & Bosworth Borough Council elected Members;
- Parish and Town Councils;
- Hinckley BID;
- Association of British Bookmakers;
- Existing licensees;
- Gam Care & Gamblers Anonymous
- Gamble Aware

8.2 Hinckley BID thanked the Council for sharing the comprehensive policy with them and commented that the policy was appropriate.

8.3 Gamcare were unable to make comment on the specific policy but they did respond providing generic advice, sent leaflets and posters and directed officers to a number of publications.

8.4 Gamble Aware work in partnership with the Gambling Commission and the Responsible Gambling Strategy Board. Although resource constraints meant

that they were unable to offer specific feedback on the policy they fully support the work of all local authorities.

- 8.5 The Parish Councils thanked the Borough Council for notice of the review and gave their support with no additional comments to be added to the policy.

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 significant risks associated with this report / decisions were identified from this assessment:

Reputation from negative press coverage from enforcement	Ensure enforcement carried out competently and proportionately and in accordance with enforcement policy.	Mark Brymer
Knowledge and skills of staff	Ensure adequate training given to compliance staff.	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 is no climate impact as a result of this policy.

12. Corporate implications

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

- Community safety implications – The third licensing objective links to community safety in the Corporate Plan by supporting vulnerable people.
- Environmental implications
- ICT implications
- Asset management implications

- Procurement implications
 - Human resources implications
 - Planning implications
 - Data protection implications
 - Voluntary sector
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Background papers:

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

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