

# Report to Council

**18 March 2025**

<b>Subject:</b>	Gambling Act 2005 Statement of Principles
<b>Director:</b>	Executive Director – Place Alan Lunt
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## 1. Recommendation

- 1.1 That Council approve the publication of an amended Gambling Act 2005 Statement of Principles as set out in Appendix 1.

## 2. Reasons for Recommendations

- 2.1 Sandwell’s Gambling Act 2005 statement of principles was implemented in May 2022. The Gambling Act 2005 requires Sandwell Council, as the Licensing Authority, to prepare a statement of principles to be applied when exercising the functions under the Act. An updated Statement of Principles is now due for 2025.
- 2.2 Section 349 of the Gambling Act 2005 (“the Act”) requires licensing authorities, before each successive three-year period, to prepare a statement of principles that they propose to apply in exercising their functions under the Act, during that period, and to publish the statement.
- 2.3 Section 349 of the Act requires that, having prepared the statement of principles, licensing authorities should consult upon the reviewed document.

- 2.4 Following approval to consult being given at Licensing Committee in September 2024, consultation on the draft Gambling Act 2005 - Statement of Principles was undertaken over an 8-week period between 1<sup>st</sup> October 2024 to 26<sup>th</sup> November 2024.
- 2.5 The draft Statement of Principles, at Appendix 1, has been amended following feedback received from the consultation. There were no significant changes required to the Statement of Principles as a result of the consultation.

### 3. How does this deliver objectives of the Council Plan?

Living in Sandwell	<p>The licensing objectives of the Gambling Act 2005 are:</p> <ul style="list-style-type: none"> <li>• Protecting children and other vulnerable people from being harmed or exploited by gambling.</li> <li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• Ensuring that gambling is conducted in a fair and open way</li> </ul> <p>The licensing authority is responsible for making sure all licensing applications meet these objectives.</p>
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### 4. Context and Key Issues

- 4.1 Licensing Authorities have a legal duty under Section 349 of the Gambling Act 2005 to review their statement of principles and prepare and publish these every three years.
- 4.2 It is expected that the Licensing Authority will set out its approach to regulation in the statement of principles having considered local circumstances.
- 4.3 In exercising the functions under the Act, the licensing authority must have regard to the licensing objectives, namely:
- 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
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.4 The Act provides for 3 categories of licence:

- Operating licences
- Personal licences
- Premises licences

4.4 The Licensing Authority is responsible under the Gambling Act 2005 for issuing premises licences.

4.5 The main functions of the Licensing Authority are to:

- Licence premises for gambling activities
- Grant permits for gambling and gaming machines in clubs
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider notices given for the temporary use of premises for gaming
- Consider occasional use notices for betting at tracks
- Register small societies lotteries.

4.6 The Gambling Commission is responsible, under the Gambling Act 2005, for granting operating and personal licences for commercial gambling and people, working in the industry, as well as regulating certain lottery managers and promoters.

4.7 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling:

- By ensuring that gambling is conducted fairly and openly
- By protecting children and vulnerable people

The Gambling Act 2005 statement of principles was reviewed and updated as per the Council's responsibility under the Act.

4.8 The full Gambling statement of principles was consulted upon between 1<sup>st</sup> October 2024 to 26<sup>th</sup> November 2024.

4.9 The proposed changes to the Statement of Principles do not fundamentally change the Council's approach to the licensing of Gambling premises nor do they have significant impact upon existing or new licensed premises.

- 4.10 The updated Statement of Statement of Principles has been drafted following the completion of the consultation.
- 4.11 Feedback received during the formal consultation period has been considered in line with the Gambling Act 2005 and included into the Statement of Principles where appropriate and where the Act allows.
- 4.12 The Licensing Committee considered the revised Statement of Principles on 12 February 2025, and recommended the Policy be submitted to Council for approval.

## 5. Alternative Options

- 5.1 There are no alternative options given for consideration. Licensing authorities have a legal duty under Section 349 of the Gambling Act 2005 to review its Statement of Principles under the Gambling Act 2005 every three years.

## 6. Implications

<b>Resources:</b>	There are no direct budget implications from this report.
<b>Legal and Governance:</b>	Licensing Committee is responsible for the exercising of the powers and duties of the Council, i.e. those matters that are not the responsibility of the Executive/Cabinet, with regards to Gambling, Licensing authorities have a legal duty under Section 349 of the Gambling Act 2005 to review its Statement of Principles under the Gambling Act 2005 every three years.
<b>Risk:</b>	The activity undertaken by Licensing Committee seeks to reduce instances of crime and disorder that may impact on residents and visitors of the Sandwell borough.
<b>Equality:</b>	An initial equality screening has been undertaken and no adverse impact on protected groups has been identified.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications arising from this report.
<b>Social Value:</b>	There are no direct social value implications arising from this report.
<b>Climate Change:</b>	There are no direct climate change implications arising from this report.
<b>Corporate Parenting:</b>	There are no corporate parenting implications arising from this report.

**7. Appendices**

Appendix 1 – Gambling Statement of Principles

**8. Background Papers**

None.