

Committee: Licensing & Environmental Health Committee **Date:** 3 October 2024
Title: Revised Statement of Principles under the Gambling Act 2005
Report Author: Jamie Livermore, Senior Licensing & Compliance Officer,
jlivermore@uttlesford.gov.uk

Summary

1. Uttlesford District Council is legally required in accordance with section 349 of the Gambling Act 2005 to publish its own Statement of Licensing Principles which must be reviewed and renewed on three yearly cycles.
2. The report brought before the Committee is the draft Statement of Licensing Principles ("SoLP") for the period of 2025-2028 following conclusion of the six-week public consultation period. The draft Statement, if approved by Members, will then be presented to Full Council for adoption.

Recommendations

3. That the draft Statement of Principles be approved and presented to Full Council for adoption.

Financial Implications

4. There are no financial implications resulting from the matters considered in this report. Costs associated with consultation and publication are minimal and have been met from within existing Licensing budgets. A benefit of revising the Statement of Licensing Principles is to limit the likelihood of the Licensing Authority being judicially reviewed by an aggrieved applicant or licence holder.

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - a. Gambling SOLP Report of 18 June 2024 EH & Licensing Committee
 - b. Public Consultation Response
 - c. Draft Statement of Principles under the Gambling Act 2005
 - d. Gambling Commission's [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/guidance-to-licensing-authorities)
 - e. Local Government Association Gambling Regulation: Councillor handbook (England and Wales) [Gambling regulation: Councillor handbook \(England and Wales\) | Local Government Association](https://www.local.gov.uk/gambling-regulation-councillor-handbook)

Impact

6.

Communication/Consultation	Public consultation lasted for six weeks and invited comments from both members of the public and the consultees referenced within the SoLP.
Community Safety	It is a key priority behind the Gambling Principles to protect vulnerable individuals from the risk of gambling related harm.
Equalities	<p>The Council's draft SoLP has been drafted with Equalities issues being considered in the context of the licensing objectives and local area plan. Specifically relevant to people with protected characteristics is the Licensing objective to protect children and other vulnerable persons from being harmed or exploited by gambling. This engages the characteristics of age and potentially disability.</p> <p>The revised draft SoLP does not have any impact on protected characteristics.</p> <p>The draft SoLP sets out how the authority intends to protect children at pages 11 and 18 and further a multi-agency approach.</p> <p>Local risk assessments will further take into account factors such as the location of premises and their proximity to schools, nurseries, childcare facilities, centres for the care of vulnerable adults and or children, including facilities for the disabled and residential areas with a high concentration of children or older persons, demonstrating that the Council has had due regard to Equalities issues throughout.</p>
Health and Safety	Public Health and wellbeing are considered at page 18 of the SoLP.
Human Rights/Legal Implications	Failure by the Licensing Authority to adopt a policy in line with the Gambling Act 2005 will prevent the Council from lawfully administering and enforcing the licensing functions under the Act.

	<p>Under section 349 of the Gambling Act 2005, a Licensing Authority must prepare and publish the policy they propose to apply in exercising their functions under the Act.</p> <p>Before determining a statement of policy, the licencing Authority has a statutory duty to consult, and before a statement comes not effect it must be published and advertised.</p> <p>Prior to the policy coming into effect, it must be advertised in accordance with the Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.</p> <p>Review of the Policy is required pursuant to the Gambling Act every 3 years.</p> <p>The Act requires all local authorities to produce a Statement of Gambling Principles (the Policy) which licensing officers must consider when determining gambling licence applications for their district.</p> <p>The statutory review demonstrates good governance in relation to the Gambling Act 2005 enabling the Council to fulfil it's statutory requirements.</p>
Sustainability	<p>The form and content of the draft policy is prescribed by The Gambling Act 2005 (Licensing Authority Statement) (England and Wales) Regulations 2006.</p> <p>The Gambling Commission's latest 'Guidance to Licensing Authorities' has been taken into account in drafting this review.</p> <p>Policy development must also take into account the 'Guidance to Licensing Authorities'.</p>
Ward-specific impacts	N/A
Workforce/Workplace	N/A

Situation

- 7.1 The Committee approved a six week public consultation of the Council’s draft Statement of Licensing Principles (“SoLP”) for the period of 2025-2028 at its meeting of the 18 June 2024 – shown as **Background Paper A**.
- 7.2 The public consultation ran from 1 July to 12 August 2024. It was advertised on the Council’s website, and the full list of consultees referred to in the previous report were contacted for comment.
- 7.3 The consultation attracted one response which was received from Elsenham Parish Council. This response is shown as **Background Paper B**.
- 7.4 The majority of the comments - which were textual and grammatical suggestions - were accepted by Licensing Officers and the draft Policy has subsequently been revised to include these amendments. With respect to the final comment, Officer opinion is that legislative interpretation regarding exempt lotteries is presently available on the Council’s website which Officers consider to be a more appropriate location, particularly given it provides greater visibility to the public. Furthermore, the website is kept under review and Officers will seek to ensure the guidance is current and relevant, and this does not need to be linked to the three-year policy review cycle.
- 7.5 Whilst making the stylistic amendments referred to in the consultation response, Officers used the opportunity to further enhance the display of the SoLP which includes reducing page spacing and reordering of a small number of paragraphs. No further factual amendments have been made to the draft.
- 7.6 Members are asked to consider and approve the revised draft SoLP - shown as **Background Paper C** – following which adoption will be sought at Full Council.

Risk Analysis

8.

Risk	Likelihood	Impact	Mitigating actions
4 – Uttlesford District Council not having a current Statement of Licensing Principles	Uttlesford has a small number of Gambling related establishments.	If the Council were unable to administer and enforce the Gambling Act 2005, it would not be protecting vulnerable individuals from the risk	Uttlesford District Council approve a current Statement of Licensing Principles for the proceeding review cycle.

		of gambling relates harms.	
--	--	-------------------------------	--

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.