

Committee: Licensing & Environmental Health

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Title: Revised Statement of Principles under the Gambling Act 2005

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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. Members are asked to approve the draft Statement for commencement of a six-week public consultation before being brought back before the Committee for consideration of any responses. The draft Statement will then be presented to Full Council for approval.

Recommendations

3. It is recommended that Members approve the draft Statement of Principles for a six week public consultation.

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. A – Draft Statement of Principles under the Gambling Act 2005
B- Existing Statement of Principles under the Gambling Act 2005 [Uttlesford Gambling Policy](#)
C – Local Government Association Gambling Regulation: Councillor handbook (England and Wales) [Gambling regulation: Councillor handbook \(England and Wales\) | Local Government Association](#)
D - Gambling Act 2005 [Gambling Act 2005 \(legislation.gov.uk\)](#)
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Impact

6.

Communication/Consultation	Public consultation will last for six weeks and invite 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

	<p>administering and enforcing the licensing functions under the Act.</p> <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

1. The draft Statement of Licensing Principles (“SoLP”) – attached as Appendix A – has been revised to reflect any necessary changes from the previous publication in 2022. These can be identified by the red coloured writing.
2. The Government introduced a gambling white paper in April 2023 and consultations on the review of the Gambling Act 2005 remain ongoing at this time. The results of this will likely lead to new Guidance issued by the Gambling Commission which Licensing Authorities will be expected to consider and implement within their Policies.
3. Licensing Authorities are required to republish their Statement of Principles every three years, and the latest lawful date for renewal this cycle period is January 2025. As the new Guidance is unlikely be published before this time, the Gambling Commission has recommended that Licensing Authorities provide a light touch refresh for this cycle, in order to ensure it remains enforceable in line with the requirements of the Act, and then later comprehensively reviewed, if necessary, within the next cycle period.
4. The draft Statement before the Committee has therefore been updated primarily only to include necessary amendments such as dates and annual statistics.
5. The consultation is proposed to last for a period of six weeks and be open for public comment. This will be advertised on the Council’s website during the time period, and the full list of consultees the Licensing Team will write directly to are;
 - Uttlesford Elected Members
 - Uttlesford Town Councils
 - Uttlesford Parish Councils
 - Chief Officer of Essex Police
 - Responsible Authorities (as designated under the Act)
 - Gamblers Anonymous
 - Gamcare
 - GambleAware
 - Holders of licences, permissions, notices, etc. issued by the Licensing Authority under the Gambling Act 2005
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority’s area
 - 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 this Act

The intentionally wide definition of consultees allows Uttlesford to perform a comprehensive consultation with anyone who may be affected by, or otherwise have an interest in, the consultation process. However, only comments that relate to the scope of the Guidance, Act, and Codes of Practice should be considered.

6. Upon the conclusion of the consultation, the draft SoLP will return to the next meeting of the Licensing & Environmental Health Committee in order for comments to be considered. Once Members agree to the draft, the Policy will be presented to Full Council for final approval.

Risk Analysis

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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 of gambling related harms.	Uttlesford District Council approve a current Statement of Licensing Principles for the proceeding review cycle.

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.