

Report of	Meeting	Date
Director (Planning and Development)	Licensing and Public Safety Committee	Tuesday 4 th October 2022

Revision of Statement of Principles under Gambling Act 2005

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

- To approve the revision of the Statement of Principles (the Principles) under the Gambling Act 2005 (the Act).

Recommendations

- That the Committee approves the approach to consultation as set out in the report,
- That authority is delegated to the Director (Planning and Development), in consultation with the Chair of this Committee, to make such changes to the Principles as are appropriate in response to consultation responses.
- That the Committee recommends to Council that the Principles (subject to any revisions by the Director in consultation with Chair) be approved, published and implemented 4 weeks after its publication.

Reasons for recommendations

- The Act requires a licensing authority to consider revision to the Principles every 3 years. The Principles are due for revision this year.

Other options considered and rejected

- No other options were considered. It is a statutory duty to consider revision to the Principles.

Corporate priorities

- The report relates to the following corporate priorities:

Involving residents in improving their local area and equality of access for all	A strong local economy
Clean, safe and healthy communities	An ambitious council that does more to meet the needs of residents and the local area

Background to the report

8. The Gambling Act 2005 (the Act) is concerned with the regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling, although councils have no role in the regulation of remote gambling.
9. Chorley Council has responsibilities under the Act to issue premises licences, permits and notices in respect of premises where it is proposed that gambling should take place. The Council is also responsible for the registration of small society lotteries.
10. Section 349 of the Act requires all licensing authorities to prepare and publish a Statement of Principles (the Principles) that they intend to apply in exercising their functions under the Act. These Principles will last for a maximum of three years but can be reviewed and revised by the Authority at any time during that period.
11. The Council last reviewed its Principles in 2019 and so a revision is now due.

Amendments to the Statement of Principles

12. The revised draft Statement of Principles is appended at Appendix 1 of the report. The changes in this revision are largely to update some of the information which has become out of date and to improve and clarify any issues in the existing document. There are no major legislative changes which have been included in this revision.
13. A summary of the changes is appended at Appendix 2.

Consultation

14. Based upon the fact that the proposed amendments are minor and relate largely to non-legislative changes, the consultation exercise being proposed on the draft revision is to run for 4 weeks. This is considered to be appropriate given the minor nature of the proposed changes.
15. The Act requires licensing authorities to consult the following when making any revision to its Principles:
 - The Chief Officer of Police for the authority's area,
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
 - 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 the Act.
16. It is proposed that all premises carrying on gambling and/or betting activities in Chorley are sent the consultation documents, in addition to a number of other bodies. Details of all consultees can be found in Appendix A of the Statement of Principles.
17. It is proposed that the consultation therefore runs between 6th October and 3rd November.

Climate change and air quality

18. The work noted in this report does not have an impact on the Council's Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.

Equality and diversity

19. The work noted in this report does not have an impact on equality and diversity. An equality impact assessment is appended as Appendix 3.

Risk

20. There is a risk of litigation if the authority fails to comply with its statutory duty to review the Principles. Decisions made by the authority would be at greater risk of challenge if the authority could not demonstrate that its Principles had been published in accordance with the legislation. Litigation comes with it the risk of costs being awarded against the authority.
21. The authority could be exposed to reputational risk if it failed to publish its principles in accordance with the Act.

Comments of the Statutory Finance Officer

22. There are no direct financial implications of this report.

Comments of the Monitoring Officer

23. The duty to review the policy every three years is addressed within the body of the report. When determining applications made under the Gambling Act 2005 the Council must have regard to any relevant codes of practice and guidance issued by the Gambling Commission, the licensing objectives and the Statement of Principles, so the latter is necessary when decisions are made.

Appendices

Appendix	Description
Appendix 1	Draft Revised Statement of Principles
Appendix 2	Summary of Changes
Appendix 3	Equality Impact Assessment

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