



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Environment Overview Scrutiny Committee – ENV824

11 October 2022

Report of Councillor Linda Wootten
Cabinet Member for Corporate
Governance and Licensing

Gambling Statement of Principles

Report Author

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Purpose of Report

The Council is required to review its Gambling Statement of Principles every 3 years. This report presents the draft Gambling Statement of Principles 2023-2026 for comment and the feedback from the required consultation.

Recommendations

1. The Environment Overview and Scrutiny Committee consider the proposed updates to the Gambling Statement of Principles which reflects responses from the statutory consultation.
2. Subject to feedback from Environment Overview and Scrutiny Committee recommends to Cabinet that the revised South Kesteven District Council Gambling Statement of Principles is suitable to be presented to Council for adoption.

Decision Information

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities?

Healthy and strong communities

Which wards are impacted?

All

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no specific financial implications associated with this report. The costs associated with delivering the Licensing service are recovered through licensing fees which are reviewed annually by the Council.

Completed by: Alison Hall-Wright, Assistant Director of Finance (Deputy Section 151)

Legal and Governance

- 1.2 Section 349 of the Act requires the Council to prepare a Statement of Principles to cover each successive period of three years. The Statement must contain the principles that it proposes to apply in exercising its functions under the Act during that period. The Council must then publish the Statement.
- 1.3 In preparing its Statement the Council must have regard to the Statutory Guidance. This Guidance cannot anticipate every set of circumstances that may arise, and licensing authorities may depart from it where they consider it would be right to do so. However, there should be strong reasons for doing so which will need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take the Guidance into account.
- 1.4 The Act specifies that the Statement of Principles must be agreed by Council and cannot be delegated to the Licensing Committee (section 154 of the Act).

Completed by: Mandy Braithwaite, Legal Executive

Diversity and Inclusion

- 1.5 An initial equality impact assessment has been undertaken and reviewed following the consultation, no significant negative impacts have been identified. This is attached in Appendix 5.

Community Safety

- 1.6 It is important that the public, businesses in the locality and those using establishments where gambling is available can do so safely. The Statement outlines requirements stated within the Gambling Act and Local Authority Guidance that puts into place conditions and standards to protect users and those identified as vulnerable to maintain community safety.

2. Background to the Report

- 2.1 Licensing Authorities licence gambling premises and issue a range of permits to authorise gambling facilities in the area.
- 2.2 The Gambling Act 2005 (the “Act”) requires Licensing Authorities on or before each successive period of three years, to prepare a Statement of Principles (the “Statement”) that they propose to apply in the exercise of their functions under the Act and to publish that Statement. The last Statement was published in January 2020.
- 2.3 In formulating the Statement, the Authority must have regard to the statutory guidance issued by the Gambling Commission. Once adopted, the Statement is the guiding principle for Members and Officers when applying the Act.
- 2.4 The Statement sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three licensing objectives:
- 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.
- 2.5 The current Statement has been reviewed to ensure it reflects the current local profile and guidance and continues to be fit for purpose whilst promoting improvements. There are no changes proposed to the intent or direction of the Statement.
- 2.6 The draft Statement is at Appendix 1, with proposed revisions to the current Statement in red text. Appendix 2 outlines the proposed changes in detail.

- 2.7 The revised Statement was considered by Licensing Committee on 19 August 2022 as part of the consultation process. The Licensing Committee had no adverse comments.
- 2.8 The process for reviewing the Statement and the requirement to consult and advertise are outlined in the Act and supporting Regulations.. Public consultation commenced on 22 August 2022 for a period of four weeks, ending on 18 September 2022.

3. Key Considerations

- 3.1 There are no changes proposed to the intent or direction of the Statement of Principles.
- 3.2 The review has been undertaken in line with legislative requirements and to ensure that it reflects the current local profile and continues to promote improvements, whilst continuing to be fit for purpose.
- 3.3 Failure to review the Statement and agree a new 3 year Statement would mean that the Council would not be fulfilling its statutory obligations.

4. Other Options Considered

- 4.1 Failure to undertake a review of the Statement would mean that this aspect of the Licensing Authority's operation is not compliant with legislative requirements.

5. Reasons for the Recommendations

- 5.1 To ensure that that the Council meets its obligations under Section 349 of the Act to review the Statement every 3 years.

6. Consultation

- 6.1 As required by the Act, a range of "Responsible Authorities" and other "Interested Parties" have been consulted on the proposed revision to the Statement. Details of the consultation were placed on the Council's website, a public notice was placed in the Grantham Journal and Stamford Mercury along with promotion on the Council's social media. /
- 6.2 The public consultation focused on the gambling licence holders, other relevant stakeholders and the public.
- 6.3 In determining the Statement, the Statutory Guidance requires that the Licensing Authority give appropriate weight to the views of the consultees. In deciding what weight to give, the factors to be considered include:

- who is making the representations, the nature of their interest and their expertise
- relevance of the factors to the licensing objectives
- how many other people have expressed the same or similar views
- how far the representations relate to matters that the licensing authority should be including in its statement.

6.2 13 replies were received

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| - Residents | 7 responses |
| - Town and/or Parish Councils | 5 responses |
| - Representing another group or organisation | 1 response |

No responses were received from Statutory Consultees or anyone identifying as an existing Licence Holders.

6.3 A consultation report has been produced (Appendix 3). This shows overall support for the proposed changes. Where comments have been made these are provided in Appendix 4 with associated responses. One amendment to the Draft Statement of Principles is proposed as a result of the consultation and is shown in **green** text.

7. Background Papers

7.1 [Gambling Statement of Principles 2019 – 2022](#)

[Non Key Decision - To undertake Gambling Statement of Principles Consultation - July 2022](#)

[Licensing Committee - 19 August 2022 Report and Meeting minutes](#)

8. Appendices

8.1 Appendix 1 – Draft Gambling Statement of Principles

Appendix 2 – Proposed revisions to the existing Statement of Principles

Appendix 3 – Consultation Report

Appendix 4 – Responses and proposed amendments following consultation

Appendix 5 – Initial Equality Impact Assessment