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| PART B: | RECOMMENDATIONS TO COUNCIL |
| REPORT TO: | LICENSING COMMITTEE |
| DATE: | 31 JANUARY 2023 |
| REPORT OF THE: | PROGRAMME DIRECTOR FOR PLACE AND RESOURCES PHILLIP SPURR |
| TITLE OF REPORT: | REVIEW OF COUNCIL'S STATEMENT OF PRINCIPLES FOR GAMBLING |
| WARDS AFFECTED: | ALL |

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to present to the Licensing Committee, for approval, the draft Statement of Principles for Gambling 2023-2026 at Appendix A.

2.0 RECOMMENDATION(S)

2.1 It is recommended that

- (i) Members consider and approve the Statement of Principles for Gambling 2023-2026 and recommend adoption by Full Council.

3.0 REASON FOR RECOMMENDATION(S)

3.1 The Council is required to prepare and publish a Statement of Principles for Gambling (the statement) at least every three years having regard to guidance issued by the Gambling Commission.

4.0 SIGNIFICANT RISKS

4.1 A failure to review and update the statement leaves gambling related decisions more susceptible to successful challenge.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 This report supports all four of the Council's Corporate Priorities as outlined in the Council Plan 2020 – 2024.

5.2 Section 343(3) of the Act specifies those bodies and persons that must be consulted

as part of the preparation where the statement is reviewed. Additional persons or bodies may be consulted at the discretion of the Licensing Authority. Those organisations consulted are listed in Annex A of the statement.

5.3 The consultation commenced on 1 December 2022 and concluded on 22 December 2022. Two consultation responses were received, one from the service manager of RDC's Planning and Development Services confirming they wish to make no comment. In addition, North Yorkshire Police confirmed they wished to make no comment, other than to commend the Licensing Authority on such a clear and thorough document, and to thank the authority for including at para 6.48 a link to police.co.uk to assist applicants in preparing local area profiles. Given no material changes to the Policy have been made, Officers are not unduly concerned at the limited response the consultation has received.

5.4 In response to the comments received no changes to the draft statement at Appendix A have been made.

REPORT

6.0 REPORT DETAILS

6.1 Section 349 of the Gambling Act 2005 place a duty on Licensing Authorities to prepare and publish a three-year Statement of Principles for Gambling that they propose to apply in exercising their functions. The statement forms the Local Authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in its area. It also sets out the LA's regulatory approach. The statement must include the three licensing objectives which the policy will promote:

- 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

6.2 The previous Gambling Act 2005 Statement of Principles came into effect on 31 January 2019. Its full review is due every three years and so a review has been completed and a revised Statement presented in Appendix A. The review has considered the Gambling Commission's Guidance to Licensing Authorities, published April 2021 (updated May 2021). No material changes have been made to the Statement; however, updates have been made to ensure that relevant information and statistics are current. These changes are highlighted in yellow throughout the document.

6.3 The Local Government Review licensing workstream has already identified harmonisation of policies leading up to and beyond March 2023. It is anticipated that a combined North Yorkshire wide Statement of Principles will therefore be implemented within the next 3-year review period.

7.0 IMPLICATIONS

7.1 The Statement of Principles seeks to protect people, especially those that are vulnerable. The following implications have therefore been identified:

- a) **Financial**
The additional costs involved in drafting the revised Policy have been met from existing budgets. No additional financial implications have been identified.
 - b) **Legal**
The Gambling Act 2005 places a duty on Licensing Authorities to prepare and publish a three-year Statement of Principles for Gambling that they propose to apply in exercising their functions. A failure to review and update the Statement leaves gambling related decisions more susceptible to successful challenge.
- Equalities**
- c) An Equalities Impact Assessment has been completed as part of the Policy Review.
- Others**
- d) Other implications (Climate Change, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder, Data Privacy) have been considered and do not apply.

8.0 NEXT STEPS

- 8.1 Subject to approval by the Licensing Committee adoption will be requested at Full Council on 23 February 2023 with the revised Statement of Principles for Gambling taking effect from 24 March 2023.

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Background Papers:
Gambling Act 2005
Gambling Commission - Guidance to licensing authorities (1 April 2021, updated 13 May 2021)

Background Papers are available for inspection at:
[Gambling Act 2005 \(legislation.gov.uk\)](https://legislation.gov.uk)
[Guidance to licensing authorities - Gambling Commission](#)