

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES	
COUNCIL 26 JANUARY 2022	CLASSIFICATION: Open
WARD(S) AFFECTED: All Wards	
GROUP DIRECTOR: Ajman Ali, Group Director for Neighbourhoods and Housing	

1. SUMMARY

- 1.1 This report provides Council with relevant information on the Gambling Act 2005 (“the Act”) and the Gambling Statement of Principles (“the Statement”) following its review and statutory consultation.

2. RECOMMENDATIONS:

Council is recommended:

- (i) To approve the proposed Gambling Statement of Principles at Appendix 1.
- (ii) To note the report on the statutory consultation at Appendix 2.

3. BACKGROUND

- 3.1 Section 349 of the Act states that each Licensing Authority must prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act during the three year period to which the Statement applies. The Statement must be kept under review during the period and be republished where it is revised. The Statement must be in place before the authority can determine any application.
- 3.2 The Statement sets out the basis of decisions made by the Council regarding gambling premises and in issuing a range of permits to authorise other gambling facilities in the area. For example:
- Adult gaming centre premises licences

- Betting premises licences
 - Bingo premises licences
 - Family entertainment centre premises licences
 - Gaming Machine Permits
 - Temporary Use Notices
- 3.3 The Statement must take account of the Gambling Commission Guidance, and be subject to statutory consultation with prescribed stakeholders including the holders of licences and the Police, as well as other stakeholders including representatives of gambling businesses, local residents, social services and child protection.
- 3.4 On 7 June 2021 the Licensing Committee recommended that Full Council does not issue casino licences given the characteristics of the Borough.

Consultation

- 3.5 On 2 June 2021, the Licensing Committee approved the draft Statement for consultation.
- 3.6 As part of the consultation process, information was published on the Council's website and was made available to statutory bodies and authorities as well as holders of relevant authorisations and other interested parties.
- 3.7 The consultation ran from 6 to 29 August 2021. A report on the consultation has been prepared by the Consultation Team and has been appended to this report.
- 3.8 At its meeting on 9 September 2021, the Licensing Committee recommended the draft Statement for approval by the Council.

Policy Context

- 3.9 A number of factors have been considered including;
- Demographics of the Borough
 - Hackney's community strategy
 - Possible risks to children and vulnerable adults
 - Possible links between deprivation and problem gambling
 - Lack of local substantive research and debate on the issue
 - Retaining local control and choice
 - Hospitality economy and cumulative impact
 - Economy and regeneration
 - Gambling licensing objectives:
 - *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.*

- o Ensuring that gambling is conducted in a fair and open way*
- o Protecting children and other vulnerable persons from being harmed or exploited by gambling*

3.10 Hackney is an area of growing economic opportunity as a result of the increased focus on East London as an area of growth and development for London and the UK.

3.11 This growth sits alongside significant deprivation. Some local people continue to face persistent inequalities and are disproportionately affected by child poverty, unemployment and welfare dependency.

3.12 The Index of Multiple Deprivation (IMD) ranks each local authority area, ward and lower super output area in terms of seven 'domains'; health, education, income, employment, housing and access to services, living environment and crime, in order of deprivation. The domains are brought together in an overall IMD. There are also indices measuring deprivation among children and older people.

4. EQUALITY IMPACT ASSESSMENT

4.1 An Equalities Impact Assessment has been completed. This has not identified any equality implications.

5. SUSTAINABILITY

5.1 No matters relating to sustainability have been identified.

6. RISK ASSESSMENT

6.1 No risks have been identified.

7. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

7.1 This report requests that Full Council approve the Gambling Statement of Principles following the statutory consultation.

7.2 The costs of managing the Council's functions under the Gambling Act 2005 are met from the Business Regulation service budgets.

8 COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE

5.1 As detailed in paragraph 3.1, it is a requirement of the Gambling Act 2005 ('the Act') to have a policy, as set out in Section 349. The existing Statement was approved by the Full Council in 2018. The Council, in its capacity as the Licensing Authority, is required by the Act to publish a revised Statement by 31 January 2022.

- 5.2 The Licensing Authority has a duty to consult on the Statement with its statutory consultees under section 349 of the Act.
- 5.3 The consultation of the Statement attracted a limited number of responses. This perhaps reflects the fact that the Statement has in reality had very few changes following its last legal review before taking effect in 2018. Having considered the consultation undertaken the revised policy is in compliance with both the Act and current Guidance, which the Licensing Authority must have regard to.
- 5.4 In accordance with the Local Authorities (Functions and Responsibilities) (Amendment (England) Regulations 2006, approving the policy cannot be the sole responsibility of the Executive. Therefore, Full Council must decide whether to adopt the proposed Statement.
- 5.5 The Gambling Statement of Principles is a statement of principles under section 349 of the Gambling Act 2005 and under paragraph 4.7(a) of the Constitution is part of the Council's mandatory policy framework. Paragraph 4.6(2) of the Constitution provides that Full Council may exercise the functions of approving the policy framework and is therefore authorised to approve this Gambling Statement of Principles.
- 5.6 Subject to approval by Full Council the policy will take effect on 31 January 2022.

APPENDICES

- Appendix 1 – Gambling Policy 2022-2025 for approval.
Appendix 2 – Consultation Summary Report

BACKGROUND PAPERS (as defined by Local Government (Access to Information) Act 1985)

None

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