

**Report to:** Licensing Environment and Regulation Committee

**Date:** 20<sup>th</sup> April 2022

**Report of:** Director of Place Services

**Report No:** LER/08/2022

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**Report Title:** **Gambling Act 2005 - Review of Statement of Principles**

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**Non-Confidential:**

This report does not contain information which warrants its consideration in the absence of the press or members of the public.

**Purpose:**

To invite the Licensing Environmental and Regulation Committee to consider a proposal to review the Council's Gambling Act 2005 Statement of Principles.

**Background Doc(s):**

Bolton Council's Gambling Act 2005 Statement of Principles 2019 – 2022.

**Appendices / Attachments**

Appendix A: Greater Manchester Gambling Act 2005 Statement of Principles 2022 – 2025.  
Appendix B: Equality Impact Assessment.

**Recommendations:**

The Licensing Environmental and Regulation Committee is asked to consider the content of the report and approve consultation on the Greater Manchester Statement of Principles.

**Summary:**

The Council is required by statute to review and publish a Statement of Principles, commonly referred to as 'The Gambling Policy' every three years.

The most recent Statement of Principles was published in 2019 and is now due for review.

The report provides information in respect of the new Greater Manchester Statement of Principles and recommends that the Licensing Environmental and Regulation Committee approve the consultation as detailed in the report.

## **1. BACKGROUND**

- 1.1 The Gambling Act received royal assent in April 2005. It consolidated the regulation of casinos, bingo, gaming machines, lotteries, betting, and remote gambling into one Act.
- 1.2 The Act established a non-departmental public body, the 'Gambling Commission'. The Gambling Commission is responsible for advising both central and local government on issues relating to gambling.
- 1.3 The Gambling Commission issues operating licenses to organisations (required for operating gambling premises) and personal functional licences to individuals. A personal functional licence is required by an individual who performs any task that enables them to influence the outcome of gambling or receives payment of money in connection with gambling, such as a dealer or croupier.
- 1.4 The Gambling Commission (under section 25 of the Act) issue guidance to licensing authorities on the discharge of their functions under the Act. This guidance deals primarily with matters intended to assist licensing authorities in the development of their 'Statement of Principles', which is commonly referred to as 'The Gambling Policy'. The guidance sets out the principles that must be applied by the licensing authority in exercising its functions under the Act.
- 1.5 Under the Act the Council is responsible for issuing premises licences, permits and temporary use notices (premises where it's proposed that gambling should take place). The Council has also continued to be responsible for the registration of small society lotteries.
- 1.6 Section 349 of the Act requires the Council to review, consult and publish a Statement of Principles every three years. The Council adopted the current Statement of Principles in 2019.
- 1.7 The Statement of Principles details the approach taken by the Council in carrying out its functions under the Act, the standards expected of licence holders and applicants applying for premises licences, permits and other permissions for example lottery registrations.

## **2. GREATER MANCHESTER STATEMENT OF PRINCIPLES**

- 2.1 The proposed Greater Manchester Statement of Principles are attached to the report as Appendix A. The principles have been developed by the 10 Greater Manchester (GM) Local Authorities who are taking the opportunity to think differently about the potential impacts of gambling across the city region, with the shared aim of preventing and reducing the negative impacts of gambling on individuals, families, and communities.
- 2.2 As part of the innovative public service reform and population health agenda, GM are working with partners across each of the districts to ensure that gambling is a safe and enjoyable activity for all who choose to take part. The priorities are:
  - Developing an understanding of gambling related harms;
  - Improving access to high quality treatment and support;
  - Supporting interventions to prevent gambling from becoming a harmful activity; and
  - Engaging with people and communities to co-design the work.

### **3. PROCEDURE**

- 3.1 The Committee is asked to note the information contained in the report and to approve consultation on the GM Statement of Principles, attached as Appendix A. Details on the consultation and consultees are outlined in section 5 below.
- 3.2 Following conclusion of the consultation exercise, a further report summarising comments from consultees will be shared with the Committee.
- 3.3 Following consideration of the comments and any subsequent amendments to the Statement of Principles, the Committee will be asked to recommend to a future meeting of the Council that the GM Statement of Principles be adopted.

### **4. IMPACTS AND IMPLICATIONS:**

#### **Financial**

- 4.1 The review of the Statement of Principles is a statutory requirement and has no direct financial implications for the Council other than officer and member time in conducting the review process.
- 4.2 There are no additional financial burdens placed on businesses because of the proposed amendments to the Statement of Principles.

#### **Legal**

- 4.3 The Gambling Act is prescriptive in terms of a review of the Statement of Principles. The proposals in the report are made in accordance with the Act.

#### **HR**

- 4.4 NONE.

#### **Other**

- 4.5 NONE.

### **5. CONSULTATION**

- 5.1 The requirement to review the Statement of Principles is accompanied by a statutory requirement to formally consult. The normal consultees are outlined below, however the list can be broadened to include additional consultees who can provide further insights e.g. Public Health.
- 5.2 Once the Committee has approved the consultation, Section 349 of the Act requires the Council to consult with the following groups:
  - The Chief Officer of Police;
  - One or more persons who appear to the authority to represent the interest of persons carrying on gambling business in the Bolton area; and

- One or more persons who appear to the authority to represent the interest of persons who are likely to be affected by the exercise of Bolton Council 's functions under the Gambling Act 2005.

5.3 It's intended to consult on the proposed Statement of Principles as follows:

- The consultation and proposed policy will be published on the Council's website.
- A communication will be sent to the following persons/organisations informing them of the consultation and directing them to the Council's website:
  - The Chief Officer of Greater Manchester Police;
  - Local Area Forums;
  - Companies who have Betting, Bingo and Casino premises in the Bolton area;
  - Local Children's Safeguarding Partnership;
  - Gamcare and Gamblers anonymous;
  - Public Health,

5.4 It's proposed that a consultation period of 8 weeks is undertaken.

## 6. **EIA**

6.1 Under the Equality Act 2010, the Council must have due regard to:

- Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Fostering good relations between people who share a protected characteristic and people who do not share it.

6.2 It is therefore important to consider how the proposals contained within this report may positively or negatively affect this work. To support this analysis, an Equality Impact Assessment (EIA) screening form has been completed for the proposals outlined in this report and is attached at Appendix B.

6.3 The EIA looks at the anticipated (positive and/or negative) impacts of the proposal on people from Bolton's diverse communities, and whether any group (or groups) is likely to be directly or indirectly differentially affected.

6.4 At this stage it is not anticipated that the proposals will have a disproportionate impact on any of Bolton's diversity group.

## 7. **RECOMMENDATIONS**

7.1 The Licensing Environmental and Regulation Committee is asked to consider the content of the report and approve consultation on the Greater Manchester Statement of Principles.