



**Report to: Licensing and Environmental Health Committee, 13<sup>th</sup> December 2021**

**Report of: Head of Worcestershire Regulatory Services on Behalf of Worcester City Council**

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**Subject: GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES - CONSULTATION RESULTS**

**1. Recommendation**

**1.1 That the Committee consider the responses received during the recent consultation on the revised Gambling Act 2005 Statement of Principles.**

**1.2 Recommend to Council that the revised Statement of Principles 2022–25 attached at “Appendix 3” be approved and published.**

**2. Background**

2.1 Worcester City Council is a licensing authority in accordance with the provision of the Gambling Act 2005.

2.2 Each licensing authority is required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority’s Gambling Act 2005 Statement of Principles.

2.3 The Council’s current Statement of Principles took effect on 31<sup>st</sup> January 2019. In accordance with the provisions of the Gambling Act 2005, the Council is required to prepare and publish a Statement of Principles every three years. Therefore, a new Statement of Principles must now be reviewed and published.

**3. Key Issues**

3.1 On the 14<sup>th</sup> June 2021, the Licensing and Environmental Health Committee considered the revised Statement of Principles as part of the Statutory Triennial review.

3.2 The last revision of the Statement of Principles during 2018 involved the Council significantly enhancing the content of the statement to provide more comprehensive information on how the Council approaches its roles and responsibilities in relation to the various permits and small society lotteries that it is responsible for administering and monitoring.

3.3 Since the Statement of Principles was revised during 2018, there have been no significant amendments to the provisions of the Gambling Act 2005. Nor have there been any major changes made to the Gambling Commission’s Licence Conditions and

Codes of Practice (LCCP) that licensed operators have to comply with or the Gambling Commission's statutory Guidance to Licensing Authorities (GLA).

- 3.4 In light of this, only minor revisions were included in the draft Statement of Principles that was presented to the Licensing Committee on 14<sup>th</sup> June 2021. These minor revisions include updating the introduction section of the Statement to reflect the Council's current corporate strategy and priorities and to reflect more recent estimates on the population of the district.
- 3.5 The draft Statement had also been revised to nominate the Worcestershire Safeguarding Children Partnership as the body competent to advise the Council on matters relating to the protection of children from harm. This is because the Worcestershire Safeguarding Children Partnership has replaced the previously nominated Worcestershire Safeguarding Children Board.
- 3.6 The list of consultees shown at Appendix B of the Statement has also been updated to reflect changes to some of the Gambling Trade Associations and to include additional organisations involved in working with people who experience problems with gambling.
- 3.7 On 14<sup>th</sup> June 2021, the Licensing and Environmental Health Committee approved the revised Statement of Principles for consultation purposes
- 3.8 Subsequently consultation on the revised draft Statement of Principles took place with all relevant parties including:
  - The Chief Officer of West Mercia Police
  - The Gambling Commission
  - All other responsible authorities identified under the Act
  - Relevant Trade Associations
  - Public Health
  - Organisations working with people who are problem gamblers
  - City Councillors
  - Parish Councils
  - The general public
- 3.9 The consultation was also made available for comment via the Council's website and publicised via social media.
- 3.10 The consultation exercise ran for 6 weeks and remained open for comments until 6<sup>th</sup> September 2021.
- 3.11 During the consultation two responses were received. The first of the responses was received from Gosschalks Solicitors and was submitted on behalf of their clients the Betting and Gaming Council (BGC). A full copy of the response can be seen at **Appendix 1**.
- 3.12 The response made on behalf of the BGC suggests a small number of amendments are made to the revised Statement of Principles before it is published by the Council.

- 3.13 Firstly, it is suggested that the words “significant numbers of” should be removed from paragraph 10.2 of the draft Statement in light of the assertion that problem gambling rates are static and are about 0.5% of the population.
- 3.14 Officers respectfully disagree with this suggestion and believe that 0.5% of the population still amounts to a significant number of people. It is therefore not felt that paragraph 10.2 should be amended as suggested by the consultee.
- 3.15 The next suggested amendment in the BGC response is the redrafting of the final bullet point at paragraph 11.4 of the draft Statement, as they have pointed out that the term “primary gambling activity” is no longer used by the Gambling Commission.
- 3.16 Officers agree and any reference to the term “primary gambling activity” has now been removed from the draft policy.
- 3.17 A further response to the consultation was received from the charity GambleAware. This response can be seen at **Appendix 2**.
- 3.18 Due to resource constraints, the charity was not able to provide specific feedback on the draft Statement, but did provide some useful links to tools and publications that can be used by licensing authorities to help identify areas with increased levels of risk for any reason.
- 3.19 These might include areas where there are higher than average resident or visiting populations from groups known to be vulnerable to gambling harms including children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.
- 3.20 These tools and publications will be very helpful when the Gambling Local Area Profile for Worcestershire is next updated.

#### **4. Preferred Option**

- 4.1 The preferred option being put forward, is for Members having considered the responses received during the recent consultation, to approve the draft Statement of Principles, and recommend to Council its adoption and publication.

#### **5. Implications**

##### **Financial and Budgetary Implications**

- 5.1 The costs associated with carrying out the consultation was met from existing budgets held by Worcestershire Regulatory Services.

##### **Legal and Governance Implications**

- 5.2 Section 349 of the Gambling Act 2005 requires that the licensing authority produce, consult on and publish a Statement of the Principles that it proposes to apply when exercising its functions under the Act.
- 5.3 The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.

5.4 When revising its Statement of Principles, the Council is required to consult with:

- 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 this Act.

#### **Risk Implications**

5.5 Failing to prepare and publish a new Statement of Principles would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Gambling Act 2005.

5.6 Proper consultation on any proposals to amend the Council's policies minimises the risk of legal challenge if the proposals are subsequently implemented.

#### **Corporate/Policy Implications**

5.7 All regulatory policies relating to Environmental Health and Licensing approved by Worcester City Council should comply with the Regulators Code. The Regulators Code is made under the provisions of the Legislative and Regulatory Reform Act 2006. It seeks to promote proportionate, consistent, and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

#### **Equality Implications**

5.8 The Licensing Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity. On this occasion no Equality Implications have been identified.

#### **Human Resources Implications**

5.9 No Human Resource implications have been identified.

#### **Health and Safety Implications**

5.10 No Health and Safety implications have been identified.

#### **Social, Environmental and Economic Implications**

5.11 Revision of the Councils Gambling Act 2005 Statement of Principles will result in the effective continuation of the delivery of this important area of regulatory work.

**Ward(s):** All

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**Background Papers:** None