

REPORT TO:	LICENSING COMMITTEE 23 NOVEMBER 2021
SUBJECT:	THE GAMBLING ACT 2005 – REVIEW OF LONDON BOROUGH OF CROYDON STATEMENT OF PRINCIPLES
LEAD OFFICER:	Interim Corporate Director – Sustainable Communities, Regeneration and Economic Recovery
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: The Gambling Act became fully operational on 1 st September 2007. The Council has been processing applications with regard to this legislation since 21 May 2007.	
FINANCIAL SUMMARY: There are no direct financial implications associated with this report, save for those set out in the body of the report with regard to decision making by the licensing committee and full Council. The costs of administering the functions associated with this report will be met from existing budget.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A. Not an Executive Decision.	

<p>1. RECOMMENDATIONS</p> <p>The Committee is asked to:</p> <p>1.1 Consider the comments received as part of the formal consultation on the draft Gambling Act 2005 Statement of Principles at Appendix 3 and officers' responses to those comments at Appendix 4.</p> <p>1.2 Approve the revised Statement of Principles, at Appendix 5 to this report and recommend to Full Council that the Statement of Principles be adopted by Full Council.</p>

2. EXECUTIVE SUMMARY

- 2.1 The Gambling Act 2005 (the Act) came into force on 1st September 2007 and made local authorities, as licensing authorities, responsible for the administration of licences, registrations, permits, notices and notifications under the Act.
- 2.2 Local authorities are only responsible for licensing the premises on which

gambling takes place. They are not responsible for licensing operators as this function falls to the Gambling Commission. As well as issuing premises licenses, local authorities are also responsible for issuing permits in respect of:

- Gaming machines in alcohol-licensed premises, such as pubs
- Gaming machines in members clubs
- Gaming in members clubs
- Unlicensed family entertainment centres (small stake and payout machines only)
- Prize gaming
- Occasional Use Notices
- Temporary Use Notices
- Provisional Statements

2.3 For the Committee's information, as a comparison, the following shows the current number of premises licenses, as opposed to that in 2007:

- Betting Shops – 2007 **59** – 2021 **44**
- Bingo Premises – 2007 **1** – 2021 **2**
- Adult Gaming Centres – 2007 **8** – 2021 **7**
- Family Entertainment Centres – 2007 **0** – 2021 **0**

2.4 The Council licensing team undertake inspections and enforce the conditions on these issued licences as well as permits and notices. It also registers small scale society lotteries.

2.5 In addition to processing applications and compliance/enforcement responsibilities, the Act requires each local authority to prepare and publish a Statement of Principles (the Statement) setting out how it will exercise its functions under the Act. The first London Borough of Croydon Statement of Principles was published on 3 January 2007. In each 3 year period thereafter, the Council must keep its policy under review and revise it as it considers appropriate. In any event, before the conclusion of each 3 year period, the Act requires the Council to formally consult on its Statement of Principles, revise and/or amend it and re-publish it accordingly.

2.6 The Council's Statement of Principles was variously reviewed and published in 2009, 2012, 2015 and most recently in 2018.

2.7 For the fifth statutory review, the Council must publish its revised Statement 4 weeks before the existing Statement expires on 31 January 2022 and therefore publication needs to take place no later than 31 December 2021.

3. DETAIL

3.1 On 29 September 2021, as part of the formal consultation on the proposed revisions, the draft Statement of Principles was circulated to a number of stakeholders including individuals and bodies in the gambling industry, together with a covering letter which outlined the changes proposed to the current Statement. A copy of that covering letter is attached at Appendix 1.

- 3.2 The consultation period ended on 10 November 2021. A list of the individuals and bodies consulted in accordance with the statutory requirements is attached at Appendix 2.
- 3.3 Written responses were received during the consultation period. Copies are attached at Appendix 3.
- 3.4 A schedule of the specific comments made in those responses is attached at Appendix 4. This also shows where the Statement has, or has not, been changed as a result of those comments.
- 3.5 Attached at Appendix 5, and having due regard to the responses received during the consultation, is a copy of the draft, revised Statement of Principles that the Committee is recommended to approve for adoption by full Council.
- 3.6 Attached at Appendix 6 is a Glossary of Terms for the Gambling Act 2005.

4. CONSULTATION

- 4.1 The timetable leading up to the Statement of Principles being republished is as follows:

DATE	ACTION
10.11.21	Deadline for consultation responses.
23.11.21	Licensing Committee
13.12.21	Full Council
31.12.21	Publication (by)

5. FINANCIAL CONSIDERATIONS

- 1 Revenue and Capital consequences of report recommendations**
There are no direct financial implications associated with this report. This matter is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.
- 2 The Effect of the Decision**
There are no direct financial implications associated with this report.
- 3 Risks**
There are no direct risks associated with the recommendations in this report.
- 4 Options**
There are no other options available to the Council.
- 5 Savings/Future Efficiencies**
None identified.

6. LEGAL CONSIDERATIONS

- 6.1 The Solicitor to the Council comments that Section 349 of the Gambling Act 2005 (“the Act”) requires the Council as Licensing Authority to review and then publish its Statement of Principles at least every three years. In determining what revisions may be appropriate, it must consider any comments made during the formal consultation period in the context of the Act, and any guidance or regulations made under it.
- 6.2 In preparing a statement or revision as required by the Act a licensing authority shall consult 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.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law, for and on behalf of, Director of Law and Governance and Deputy Monitoring Officer

7. HUMAN RESOURCES IMPACT

- 7.1 The workload associated with the review of the Statement of Principles has been undertaken within existing resources.

8. EQUALITIES IMPACT

- 8.1 There are no perceived inequalities associated with this legislation.

9. ENVIRONMENTAL IMPACT

- 9.1 There are potential environmental and design impacts associated with the development of large casinos. However, the majority of gambling premises in Croydon are small buildings like betting shops, amusement arcades and bingo halls. Many of these premises already have established use and are not considered to impact on the local environment.

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There are not considered to be any local crime and disorder problems associated with the local authority having responsibility for the administration of licences and permits etc. under the Gambling Act 2005. The local authority is only responsible for premises licensing. The licensing of operators is the responsibility of the Gambling Commission.

11. DATA PROTECTION IMPLICATIONS

- 11.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROPROCESSING OF ‘PERSONAL DATA’?**
NO

The Director of Sustainable Communities comments that agreeing the recommendations in this report will not result in the processing of personal data.

Approved by: Steve Iles, Director of Sustainable Communities

CONTACT OFFICER: Michael Goddard, Head of Environmental Health, Trading Standards and Licensing Tel. Ext. 61838

BACKGROUND DOCUMENTS: None