



Report sponsor: Samantha Dennis, Director of
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Manager - Licensing

Gambling Act 2005

Statement of Principles

Purpose

- 1.1 Derby City Council is the designated Licensing Authority under the Gambling Act 2005 (the Act) and is required to produce a Statement of Principles (the Statement) which sets out how it will exercise its functions under the Act.
- 1.2 The Statement also informs individuals making application for a licence, of the Authority's standards and values in promoting the licensing objectives within the framework of the Act and approved guidance issued by the Gambling Commission under the Act.

Recommendation(s)

- 2.1 To recommend the following to Full Council:
 - To adopt the Statement of Principles attached at Appendix 1 to take effect from 31 January 2022 (Appendix 1).
 - To authorise the Director of Communities & Place to comply with the relevant statutory requirements in relation to the advertisement and publication of the Statement

Reason(s)

- 3.1 It is a statutory requirement that the Council, as Licensing Authority, adopt a new Statement of Policy relating to gambling to come into effect from 31st January 2022.

Supporting information

- 4.1 Under the Gambling Act 2005, the Council is required to prepare, consult and publish a Statement of Principles which sets out how it will exercise its functions under the Act.
- 4.2 Section 349 of the Act requires an Authority to prepare, consult widely upon and public a Statement of its' Gambling Policy every three years. The Statement must be published before the Authority can carry out any function under the Act in relation to applications.

- 4.3 A further review is needed this year and before determining or revising its content, the Authority must consult widely with at least the following persons as defined in the Act:
- The Chief Officer of Police
 - One or more persons who appear to the authority to represent the interest of persons carrying on gambling businesses in the authority's 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 the authority's functions under this Act.
- 4.4 A consultation draft Statement was approved by this Committee on 18 March 2021 and released for a 12-week public consultation between 1 July 2021 and 22 September 2022.

In addition to the persons at 4.3, letters informing parties of the consultation exercise were sent to:

- 92 gambling premises, including gaming machine permit holders.
- 34 to head offices and agents
- 863 to other (alcohol) licensed premises
- 84 small society lottery permit holders

The consultation was also available online for the same period.

- 4.5 11 responses were received to the online consultation together with 1 written submission. All responses have been considered by the Head of Licensing and the Licensing Service Manager and amendments made to the proposed Statement of Principles where appropriate. (Appendix 2)
- 4.6 The final revised Statement of Principles should be published by the end of December 2021 to come into force at the end of January 2022.

Public/stakeholder engagement

- 5.1 12-week consultation with the relevant parties as defined in the Gambling Act 2005 carried out between 1 July 2021 and 24 September 2021.

Other options

- 6.1 None – statutory requirement.

Financial and value for money issues

- 7.1 The fees levied for the regime are intended to include the cost of the review of the Statement as well as delivering the service.

Legal implications

- 8.1 The requirement to revise the guidance, and the principles within which the related consultation will be undertaken, are governed by Section 349 of the Gambling Act 2005. This report, its recommendations and the processes followed in their preparation secure compliance by the Council with its statutory obligations.

Climate implications

- 9.1 None directly arising from this report – statutory requirement.

Other significant implications

- 10.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal Finance Service Director(s) Report sponsor Other(s)	Olu Idowu, Head of Legal Services Samantha Dennis, Service Director Michael Kay, Head of Service	13/10/2021
Background papers:	Gambling Act 2005 Guidance to Licensing Authorities – Gambling Commission	
List of appendices:	Appendix 1 – Proposed Statement of Principles Appendix 2 – Consultation responses	