

Report to	Full Council
Date of meeting	14 November 2023
Lead Member / Officer	Win Mullen-James, Lead Member for Local Development and Planning / Emlyn Jones, Head of Planning, Public Protection and Countryside Services
Report author	Ian Millington, Public Protection Business Manager/Nicky Jones Senior Licensing Officer
Title	Proposed Revised Gambling Act 2005 Statement of Licensing Principles

1. What is the report about?

- 1.1 To ask Members to formally adopt the attached revised Gambling Act 2005 Statement of Principles.

2. What is the reason for making this report?

- 2.1 Gambling can be addictive and lead to individuals becoming problem gamblers, where the activity disrupts or compromises their lives and those of their families. Problem gambling has an impact on families, communities and health services. Gambling regulation delivered nationally through the Gambling Commission and locally through the Public Protection service of the Council aims to reduce the potential for harm but also to ensure a level playing field for business.
- 2.2 Part of the responsibilities of the Local Authority, when acting in its capacity as Licensing Authority, are in accordance with Section 349 Gambling Act, to determine, review and publish a Statement of Gambling Principles. As required by the legislation, and in accordance with the Guidance issued by the Gambling Commission, the Council is required to consult upon, and prepare a Statement of Gambling Principles on a three yearly basis.

- 2.3 As required by the legislation, and in accordance with the Guidance issued by the Gambling Commission, the Council is required to consult upon, and prepare a Statement of Gambling Principles on a three yearly basis
- 2.4 The Statement of Gambling Principles establishes a local framework for decision making when considering applications for relevant permissions, or variations to existing terms and conditions. The Principles are of significant importance as the Licensing Committee and Sub-Committee are required to have due regard to it when determining an opposed application.
- 2.5 The council currently licences/ permits:
- 5 Adult Gaming Centres
 - 3 Family Entertainment Centres
 - 3 Bingo Premises Licence
 - 12 Betting shops
 - 1 Club Gaming Permit
 - 7 Club Machine Permit
 - 7 Unlicensed Family Entertainment Centre Gaming Permits
 - 11 Licensed Premises Permit
 - 82 Registered Lotteries

3. What are the Recommendations?

- 3.1 That the Council formally adopts the Draft Revised Statement of Gambling Principles (Appendix 1).
- 3.2. That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2) as part of its consideration.

4. Report details

- 4.1 On 7th December 2022 the revised Statement of Gambling Principles was approved by Members of the Licensing Committee for statutory consultation and would only need to be referred back to the Licensing Committee if representations were received, however, should no representation be received as a result of the consultation the final statement would be submitted to County Council for approval.

- 4.2 As a result of the consultation, which ran between 12th January 2023 to 22nd February 2023 no representations were received.
- 4.3 The review was undertaken taking into account relevant changes in legislation, national guidance and good practice, also as part of an ongoing process to provide a consistent approach for service users across the region the review was undertaken in partnership with other North Wales local authorities.
- 4.4 It is worthy of note, that the Council has not received any legal challenge to the existing Principles, nor has the Licensing Authority received any adverse comments from the Gambling Licensed Trade or Legal Profession in regards to the content. Therefore significant changes have not be proposed in the revised Principles, a position supported by Licensing Committee.
- 4.5 If the revised Statement of Gambling Principles is confirmed by Council then it shall remain in force for a further period of three years, subject of course to any necessary amendments, that in themselves would require further consultation and approval by Council.

5. How does the decision contribute to the Corporate Priorities?

- 5.1 The Statement of Principles will support the Corporate Plan by ensuring people are protected from harm, abuse and exploitation including tackling anti-social behaviour and aims to support economic recovery by providing advice and support to businesses.

6. What will it cost and how will it affect other services?

- 6.1 To be met from existing budgetary requirements.

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1 The Statement of Principles has positive impact generally as it seeks to guide business to understand the expectation of licensed premises and the management thereof. The Principles cannot dictate operational practices unless they fail to meet licensing conditions and /or obligations. Where any failures are found the Statement of Principles outlines enforcement options to achieve compliance.

8. What consultations have been carried out with Scrutiny and others?

8.1 To comply with statutory requirements, the following agencies have been consulted:

- (a) The Gambling Commission
- (b) North Wales Police
- (c) North Wales Fire and Rescue Service
- (d) The Planning Authorities
- (e) Environmental Health/Health & Safety
- (f) Trading Standards
- (g) Social Services
- (h) Her Majesties Revenue and Customs
- (i) All of the companies and individuals who hold gambling premises licences issued for premises in the County
- (j) Councillors and Town and Community Councils
- (k) Representatives of businesses
- (l) Representatives of persons carrying on gambling businesses in Denbighshire
- (m) Local bodies representing vulnerable persons
- (n) Departments within the Council with an interest in the licensing of gambling

8.3 In addition to the statutory requirements for the consultation, all documents were available on the County Conversation consultation portal for public viewing and available in hard copy at all Denbighshire Libraries and On Stop Shops.

9. Chief Finance Officer Statement

9.1 The Council is currently projected to overspend this financial year and faces significant budget reductions in real terms next financial year. It is therefore welcome that the service has committed to deliver these principles within existing service budgets

10. What risks are there and is there anything we can do to reduce them?

10.1 Should the Council not adopt a reviewed Statement of Principles, all decisions made may be open to challenge and the Council would be in breach of its statutory obligation.

11. Power to make the decision

11.1 To comply with the requirements of Section 349 of the Gambling Act 2005 to review, determine and publish a Statement of Principles.