

# ***Report to the Licensing Committee***



**Epping Forest  
District Council**

***Report reference:***

***Date of meeting: 22<sup>nd</sup> March 2023***

**Portfolio: Technical Services; Councillor K Williamson**

**Subject: Gambling Act 2005 - statement of licensing principles**

**Responsible Officer: David King (01992 564034)**

**Democratic Services: Adrian Hendry (01992 564246).**

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## **Recommendations/Decision Required:**

- 1. Agree the revised statement of licensing principles, and**
- 2. Recommend Full Council adopt revised statement of licensing principles.**

## **Executive Summary:**

The Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act, commonly known as a policy statement. The policy must be reviewed every 3 years and where reviewed and changes proposed, licensing authorities must consult on any revision. The statement must then be re-published.

The policy statement sets out the licensing authorities' general approach to regulation under the Act, guides administration of its functions and its expectations in relation to operators with premises in the locality. It will assist in ensuring that an appropriate balance is drawn between the interests of those wishing to provide and take part in legal gambling, and those who might be affected by such activities.

The current policy was approved by the Council in 2020 and only minor amendments have been made to reflect the latest guidance and to update the area profile in line with the Essex County Council Census 2021 and the Office for National Statistics data.

## **Reasons for proposed Decision:**

The Statement of Principles must be reviewed every three years. It has now been reviewed, reconsulted upon and must be approved by Full Council before being republished.

## **Other Options for Action:**

None. S.349 of the Act places a statutory requirement on all licensing authorities to prepare and publish a statement of licensing principles. This must be reviewed and republished every 3 years.

## **Report:**

- 1. The Gambling Act 2005 became law on 7 April 2005 and was fully implemented by September 2007. The purpose of the Act was to consolidate and updated previous gambling legislation, creating a framework for three different types of gambling: gaming, betting, and lotteries. It has three key objectives:**
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
  - Ensuring that gambling is conducted in a fair and open way;**

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
2. Under the Act, the Council is responsible for overseeing non-remote gambling. This involves:
- setting the local framework for gambling through their statement of principles
  - considering applications and issuing licences for premises where gambling takes place, with conditions where appropriate;
  - reviewing or revoking premises licences;
  - issuing permits for some forms of gambling;
  - undertaking inspection and enforcement activities, including tackling illegal gambling.

In exercising its functions, the Council must aim to permit gambling, providing it is consistent with the Licensing objectives.

3. Under section 349 of the Act, licensing authorities are required to prepare a statement of principles that they propose to apply in relation to their regulatory responsibilities in gambling. The policy must be reviewed every 3 years and where reviewed and changes proposed, licensing authorities must consult on any revision. The statement must be then re-published.
4. The current policy was approved by the Council in 2020. It has now been revised and only minor amendments have been made to reflect the latest guidance and to update the area profile in line with the Essex County Council Census 2021 and the Office for National Statistics data. A copy of the draft statement of licensing principles is attached to this report at appendix A.
5. Where a statement is revised, it is only the revision that needs to be published and consulted on. Consultation on the revision took place between 3<sup>rd</sup> February and 10<sup>th</sup> March 2023.
6. In determining its policy statement, the licensing authority must give appropriate weight to the views of those it has consulted. In deciding what weight to give, the factors to be taken into account include:
- Who is making the representations, the nature of their interest and their expertise;
  - Relevance of factors to the licensing objectives;
  - How many other people have expressed similar views;
  - How far the representations relate to matters that the licensing authority should be including in its policy statement.
7. During the consultation period the Councils Licensing Team received 3 responses, x1 on behalf of the Chief Officer of Police, x1 Loughton Town Council and x1 Epping Town Council. We have received no objections to the proposed policy.
8. Once it has been approved, the Council must publish a notice of its intent to publish its statement of licensing principles and the date it will come into effect.
9. For information, at the time of producing this report the following premises and permits relevant to this policy are operating on the District;

Betting Offices	12
Adult Gaming Centre	1
Alcohol Licensed Premises Gaming Machine Permits	8
Club Gaming Machine Permits	10

Overall, this represents a reduction in facilities for gambling across the district since the statement of licensing principles was last approved in 2020.

**Resource Implications:**

None. The Gambling Act 2005 was fully implemented by September 2007 and is firmly embedded within the existing service provision.

**Legal and Governance Implications:**

S.349 of the Act places a statutory requirement on all licensing authorities to prepare and publish a statement of licensing principles. This must be reviewed and republished every 3 years. Not to do so would undermine the Councils decision making and impede its enforcement powers in relation to the Gambling Act 2005.

**Safer, Cleaner and Greener Implications:**

The statement of licensing principles will promote better regulation of Gambling.

**Consultation Undertaken:**

In developing their statements, the Act requires licensing authorities to consult with:

- Chief Officer of Police for their area;
- Those representing the interests of gambling businesses in their localities;
- People likely to be affected by it (or those who represent them).

It is a matter for licensing authorities to develop their own consultation practices, including the method of consultation and who they consider it necessary to consult. However, Epping Forest District Council has consulted widely on this policy by letter, email and on its website. A list of those consulted is attached to this report at appendix B.

During the consultation period a total of 3 responses were received;

- The Chief Officer of Police,
- Loughton Town Council and
- Epping Town Council.

There have been no objections to the proposed policy. A copy of the responses is attached to this report at appendix C.

**Background Papers:**

Appendix A – Revised statement of licensing principles;

Appendix B – Consultees;

Appendix C – Table of responses received.

Gambling Commission – Guidance to Local Authorities

**Risk Management:**

It is a statutory requirement that the Councils statement of licensing principles is reviewed and republished every 3 years. Not to do so would undermine the Councils decision making and enforcement powers in relation to the Gambling Act 2005.