

Licensing Committee report



9 February 2022

CONSIDERATION OF STATEMENT OF GAMBLING PRINCIPLES 2022/2025 (GAMBLING ACT 2005)

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1. Purpose

- 1.1 Milton Keynes Council adopted its first Statement of Gambling Principles in 2007. The document has been formally reviewed in line with legal requirements every three years since then. This report provides an updated statement for endorsement by the Committee.

2. Recommendation

- 2.1 That the draft statement, attached at **Annex B** to the report, be endorsed and formally advertised.
- 2.2 That Council be recommended to adopt the draft statement.

3. Options

- 3.1 The Committee has the following options available to it:
- (a) to endorse the recommendation; or
 - (b) resolve that further work be undertaken and a further report be provided in due course with a revised statement.

4. Issues and Choices

- 4.1 Under the Gambling Act 2005 (the Act), Milton Keynes Council acts as the 'Licensing Authority' for the regulatory system of the gambling activities in premises within Milton Keynes. For example, betting shops, gaming machines, amusement arcades, lotteries, the casino etc.

- 4.2 It is a legal requirement under the Act that the Council adopts a Statement of Principles in this regard. The current statement was last fully reviewed in January 2019. It is a requirement that further reviews take place at least every three years.
- 4.3 The existing statement has been reviewed against the statutory requirements detailed in the Gambling Act as well as statutory guidance. The policy has also been reviewed for accuracy and to provide updated information where appropriate. Some paragraphs of duplicate or unnecessary detail were identified to be removed. A draft revised statement was produced in November 2021 and subjected to a prescribed consultation process with stakeholders.
- 4.4 Since the statement was last formally reviewed in 2019 there has been no significant change to the primary legislation or its regulations, but some additional statutory guidance is available. The draft statement has been updated to include these matters where appropriate.
- 4.5 Stakeholders consulted included Councillors; Town and Parish Councils; Responsible Authorities under the Act; those representing persons carrying on gambling businesses in Milton Keynes and others as detailed in an Appendix of the statement. This includes a number of Council services with a potential interest in gambling related harm.
- 4.5 The consultation ran for seven weeks until 4 January 2022 and resulted in a number of responses, as summarised in **Annex A** to the report. All responses have been considered and any justified changes as a result have been made to a final draft statement produced at **Annex B**. All proposed changes are shown in italic bold text to differentiate from the existing statement. An overall chronological list of all changes is provided at **Annex C** to the report.
- 4.6 If the final draft statement is endorsed there is a requirement to formally advertise the fact prior to adoption.

5. Implications

5.1 Policy

The Statement of Gambling Principles is kept under three-year review by the Council. The changes proposed will not take effect until adoption by Council. The revised and updated statement contributes to improved resilience in discharging legal duties under the legislation concerned.

5.2 Resources and Risk

Whilst the current statement of principles is now over three years old it will still carry weight in decision making until a revised statement is adopted.

5.3 Legal

Section 349 of the Gambling Act requires a licensing authority (to) keep its policy under review and make such revisions to it, at such times, as it considers appropriate.

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 details the process to be followed in respect of a proposed revision.

The provisions of the Council's policy show how the Council will use its powers under the relevant legislation and apply the various tests within those enactments. A robust policy is good evidence of a fair and transparent process should decisions made by the Council be appealed.

List of Annexes

Annex A	Consultation Response
Annex B	Milton Keynes Statement of Gambling Principles 2022/2025
Annex C	Summary of Changes proposed to Policy

List of Background Papers

None