

## **REVIEW OF STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005**

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<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	<b>Appendix 1 - Revised Statement of Principles</b>

### **Summary**

The Statement of Principles under the Gambling Act 2005, constitutes the Council's policy on how applications for Gambling Premises licences are considered and regulated. The Act requires the Council to review and readopt a statement of principles at least once every three years and to consult on the draft before it is adopted. This report seeks the Committee's approval to go out to consultation on an updated draft Statement of Principles.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) The Committee is asked to approve the draft Statement of Principles under the Gambling Act 2005 for public consultation.**

## **1 Reasons for Recommendation**

- 1.1 The current Statement of Licensing Principles has passed its renewal date and must be reviewed, and a revised draft consulted on prior to adoption for a further 3-year period. This is a statutory requirement, and as such there is no alternative option.

## **2 Background**

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- 2.1 The Council is the licensing authority (LA) for certain prescribed gambling activities in the Borough, which covers licensing gambling premises; considering temporary use notices for gambling at premises; granting permits for gaming and gaming machine in clubs and premises licensed for the supply of alcohol; granting permits to family entertainment centres for the use of certain lower stake gaming machines; granting permits for prize gaming; considering occasional use notices for betting at tracks and registering small lotteries that fall below certain limits. Currently in the Borough there are seven licensed betting shops and 42 small society lottery registrations. Other non-premises-based gambling is regulated by the Gambling Commission (the Commission).
- 2.2 There are three licensing objectives under the Gambling Act 2005 (the Act) which guide the way that the Commission and LAs perform their functions and the way that gambling businesses carry on their activities. These 3 objectives are:
- 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

### **3 Review of the Statement of Principles**

- 3.1 The Statement of Principles under the Act constitutes the Council's policy on how applications for gambling premises licences are considered and regulated. It provides guidance to applicant's, objectors and responsible authorities on Epsom & Ewell Borough Council's approach to the licensing of gambling premises in the Borough. Under the Act the Council is required to review and readopt a statement of principles at least once every three years and to consult on the draft before it is adopted.
- 3.2 The Council's current Statement of Principles was last reviewed more than three years ago, and as such it has been reviewed and redrafted, including updating the Local Area Profile. Since the publication of the previous policy, the Council has not been informed of or identified any issues associated with the Statement's content or its interpretation and there have been no significant changes to gambling legislation or to the Commission Licence conditions, codes of practice or guidance to LAs.
- 3.3 There have been no reported issues in relation to the gambling activities currently licensed by the Council in the Borough.

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### 4 Local Area Profile

- 4.1 Gambling premises operators are required to prepare a gambling harm risk assessment for their business when applying for a new licence or varying an existing licence, which considers the nature and characteristics of the locality in which they are situated. For example, the proximity of schools, places of worship and/or whether the business is located on a walking route for local schools.
- 4.2 Current Commission guidance, states that licensing authorities may find it useful to complete their own local area profiles with regard to gambling, which can be reviewed and updated to reflect any relevant local changes.
- 4.3 The Local Area Profile (LAP) for Epsom & Ewell has been redrafted as part of the updated Statement of Principles. The LAP provides operators with relevant information about the Borough for their consideration when preparing their risk assessments.

### 5 Consultation

- 5.1 A twelve-week consultation exercise on the revised draft Statement and the LAP will be undertaken, and the results of the consultation will be reported back to the 10 March 2026 meeting of this Committee.
- 5.2 The Act sets out statutory consultees as follows:
  - The Chief Officer of Police for Surrey;
  - One or more persons who appear to be the authority to represent the interest of persons carrying on gambling businesses in the authority's area;
  - 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 the Act;
- 5.3 The list of consultees is deliberately wide as it enables licensing authorities to consult with anyone who may be affected by or otherwise have an interest in the Statement of Principles.
- 5.4 In addition to the statutory consultees, we are proposing to consult with the following:
  - Ward Councillors
  - Surrey County Council Children's, Adult Social Care, and Public Health Services
  - Citizen Advice Bureau
  - Gamcare
  - Epsom Business Improvement District ('Go Epsom')

### 6 Risk Assessment

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### Legal or other duties

#### 6.1 Equality Impact Assessment

6.1.1 The draft Statement of Principles considers the duties imposed by the Equalities Act 2010. It is not considered necessary for a separate Equalities Impact Assessment to be documented.

#### 6.2 Crime & Disorder and Safeguarding

6.2.1 The Act places a duty on both the Council to aim to permit gambling, in so far as it is reasonably consistent with the pursuit of the licensing objectives.

6.2.2 The licensing objectives include the objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, as well as protecting children and other vulnerable persons.

6.2.3 The draft Statement of Principles sets out how the Council will seek to fulfil its duties under the Act in pursuit of these objectives.

### 7 Financial Implications

7.1 The costs associated with consulting on the revised policy will be contained within existing budgets. The maximum fees chargeable by LAs for gambling licences, permits and registrations are set by Commission and have not been reviewed since their introduction in 2007. The Council charges the maximum fees permissible.

7.2 **Section 151 Officer's comments:** None arising from the contents of this report.

### 8 Legal Implications

8.1 Under the Gambling Act 2005 the Council is required to review and readopt a statement of principles at least once every three years and to consult on the draft before it is adopted. Adoption of the Council's gambling policy is a function of Full Council.

8.2 **Legal Officer's comments:** Section 349 of the Act requires each licensing authority to prepare and publish a statement of licensing policy that they propose to apply in exercising their functions under the Act.

### 9 Policies, Plans & Partnerships

9.1 **Council's Key Priorities:** The review of the Statement of Principles is a statutory requirement and does not engage with any of the Key Priorities.

9.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

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9.3 **Climate & Environmental Impact of recommendations:** Climate & Environmental Impact are not licensing objectives under the Gambling Act 2005, and as such to the Council's Statement of Principles is neutral with respect to these matters.

9.4 **Sustainability Policy & Community Safety Implications:** The Act places a duty on both the Council to aim to permit gambling, in so far as it is reasonably consistent with the pursuit of the licensing objectives.

The licensing objectives include the objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, as well as protecting children and other vulnerable persons.

The draft Statement of Principles sets out how the Council will seek to fulfil its duties under the Act in pursuit of these objectives.

9.5 **Partnerships:** The draft Statement of Principles sets out how the Council will work in partnership with the Gambling Commission to regulate gambling.

9.6 **Local Government Reorganisation Implications:** It is a statutory requirement that each Licensing Authority publishes a Statement of Principles. If a new LA is created as a result of the Local Government Reorganisation then it will be necessary for a new Statement of Principles to be published in due course.

## 10 Background papers

10.1 The documents referred to in compiling this report are as follows:

### Other papers:

- [Gambling Commission guidance to local authorities](#)
- [EEBC current Statement of Principles](#)