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# Draft Statement of Gambling Principles 2025-2028

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<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	Licensing Committee 08 July 2024 (Pre-consultation) Council 28 November 2024 (Post Consultation)
<b>Portfolio Member:</b>	Councillor Lee Dillon
<b>Date Service Lead agreed report:</b>	30 May 2024
<b>Date Portfolio Member agreed report:</b>	20 June 2024
<b>Report Author:</b>	Julia O'Brien
<b>Forward Plan Ref:</b>	C4519

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## 1 Purpose of the Report

- 1.1 To seek comments from the Licensing Committee on the Draft Revised Statement of Gambling Principles (SoGP) prior to it being consulted on.
- 1.2 The Gambling Act 2005 requires the Council to prepare, adopt and publish a "Statement of Principles" setting out the Licensing Authority's approach to applications under the Act and the information it expects applicants to provide at least every three years.
- 1.3 The current iteration of the SoGP was adopted on the 31 January 2022.

## 2 Recommendations

- 2.1 That the draft revised Statement of Gambling Principles prepared under Section 349 of the Gambling Act 2005 as appended to this report be approved for consultation.
- 2.2 That the Service Lead: Public Protection is authorised to proceed with formal consultation for an 8 week period between the 18 July 2024 and the 12 September 2024 and that the parties as set out in paragraph 5.9 of the report be consulted.
- 2.3 That any comments on the revised Draft Statement be brought to the 04 November 2024 Licensing Committee meeting for discussion prior to the report being formally presented for adoption at the 28 November 2024 Council meeting.

### 3 Implications and Impact Assessment

Implication	Commentary			
<b>Financial:</b>	The costs of producing this report and running the consultation exercise will be met from within the existing Public Protection Partnership budgets.			
<b>Human Resource:</b>	None			
<b>Legal:</b>	<p>Pursuant to Section 349 of the Gambling Act 2005 the Licensing is required to publish a Statement of Principles setting out the principles that the licensing authority proposes to apply when exercising its functions under the Act. The licensing authority must publish its Statement of Principles at least every three years.</p> <p>The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 SI 2006/636 made pursuant to section 349 (4) set out the requirements for the form of the statement of principles or revision and the procedure to be followed in preparing this document.</p> <p>Legal Services have been consulted on the Draft Revised Statement of Gambling Principles.</p>			
<b>Risk Management:</b>	The Council is required to renew the statement every three years. A failure to do so and consult properly could result in any decisions and the policy being challenged in the Courts.			
<b>Property:</b>	None			
<b>Policy:</b>	The licensing authority must publish its Statement of Principles at least every three years. The previously adopted iteration is due to expire in January 2025. The Council is required to consult on any changes being proposed.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>

<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		<p>This report relates only to the requirement for consultation on the Gambling Statement of Principles. Should consultees or elected members require documents in alternative format, this will be provided on request.</p> <p>Any equalities issued identified and raised during the consultation will be considered prior to the revised SoGP being adopted.</p>
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		As above
<b>Environmental Impact:</b>		✓		None
<b>Health Impact:</b>		✓		<p>This report relates only to the requirement for consultation on the Gambling Statement of Principles. The Policy is designed to try and protect residents from harm.</p>
<b>ICT Impact:</b>		✓		None
<b>Digital Services Impact:</b>		✓		<p>The consultation will be published on the West Berkshire Council consultation portal and on the Public Protection Partnership website.</p>
<b>Council Strategy Priorities:</b>		✓		<p>Thriving communities with a strong local voice.</p> <p>A prosperous and resilient West Berkshire.</p> <p>Services we are proud of.</p>

<b>Core Business:</b>		✓		<p>Protecting our children</p> <p>Ensuring the wellbeing of older people and vulnerable adults</p> <p>Economic Development</p>
<b>Data Impact:</b>		✓		<p>The consultation will be undertaken in accordance with the <a href="#">PPP's privacy statement</a>.</p>
<b>Consultation and Engagement:</b>	<p>Under the Gambling Act 2005, the licensing authority is required to consult the following parties:</p> <ul style="list-style-type: none"> <li>• The Chief Officer of Police;</li> <li>• One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and</li> <li>• 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 Gambling Act 2005.</li> </ul> <p>The Council will therefore consult the parties as set out in paragraph 5.9 of this report.</p>			

## 4 Executive Summary

4.1 The Gambling Act 2005 came fully into effect on 1 September 2007. It created a revised system of licensing and regulation for commercial gambling. This Act gives the 'Licensing Authority' a number of important regulatory functions in relation to gambling. The main functions are to:

- licence premises for gambling activities.
- consider notices given for the temporary use of premises for gambling.
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes.
- regulate gaming and gaming machines in alcohol licensed premises.
- grant permits to family entertainment centres for the use of certain lower stake gaming machines.
- grant permits for prize gaming.
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries.

- 4.2 In addition, section 349 of the Gambling Act 2005 requires that the Council prepares and publishes a Statement of Gambling Principles (SoGP) that it proposes to apply in exercising its function under the Act, before each successive period of three years.
- 4.3 The SoGP must be formulated in accordance with, and reflect, the guidance issued by the Gambling Commission and the Government Codes of Practice. The principles essentially inform the processes that the Council would normally follow in conducting its duties as the Licensing Authority.
- 4.4 The present Statement was published on 31 January 2022 and therefore must undergo a review and be published on or before 31 January 2025. The Council is required to undertake a consultation exercise in respect of any revisions to the policy.
- 4.5 Once published, the revised Statement shall be valid between 31 January 2025 and 31 January 2028.
- 4.6 This report seeks comments from the Licensing Committee on the revised draft Statement prior to consultation and also confirmation of the organisations to be consulted and the timescales to be applied to the consultation.

## **5 Supporting Information**

### **Introduction**

- 5.1 [The Gambling Act 2005](#) (hereafter referred to as the Act) removed from the Magistrates' Court all responsibility for granting gaming and betting permissions. It established the Gambling Commission, which, alongside licensing authorities, assumed a shared responsibility for all matters previously regulated by Magistrates.
- 5.2 Licensing authorities have powers to licence gambling premises within their area, as well as undertaking functions in relation to lower stake gambling machines and clubs. The Act also provides for a system of Temporary Use Notices which authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for strictly limited periods.
- 5.3 Licensing authorities licence gambling premises and issue a range of permits to authorise other gambling facilities in their area. In exercising their functions generally under the Act, Licensing authorities must have regards to the guidance issued by the Commission with respect to their licensees, including the power to impose conditions and to review licences.
- 5.4 Section 349 of the Act requires Councils on or before each successive period of three years, to prepare a statement of the principles that they propose to apply in the exercise of their functions under the Act (the "Policy Statement") and to publish that policy statement. The current Statement of Principles expires in January 2025.
- 5.5 In formulating the statement, the Authority must have regard to the Gambling Act guidance issued by the Gambling Commission and the responses from those consulted on the policy. The statement, once adopted, will be the guiding principle for use by Members and officers when applying the Act.

- 5.6 The Statement must be particular to the local authority and be formulated to achieve the government's three Licensing Objectives under this Act of:
- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way, and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.7 The Council must undergo a period of consultation on the draft SoGP to establish local issues of concern and to address those concerns as far as appropriate within the statement.
- 5.8 The public consultation period will last for 8 weeks between 18 July 2024 and the 12 September 2024.
- 5.9 A wide range of stakeholders will be contacted as part of the consultation, including:
- Thames Valley Police
  - Royal Berkshire Fire and Rescue Service
  - Environmental Health
  - Health and Safety Executive
  - Gambling Commission
  - Berkshire West Safeguarding Children's Partnership
  - West of Berkshire Safeguarding Adults Board
  - Public Health
  - Health and Wellbeing Board
  - Berkshire Healthcare NHS Foundation Trust
  - Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System
  - and other interested bodies (see Appendix A to the SoGP)
- 5.10 The consultation will be published on the West Berkshire Council and PPP websites and a notice will be placed in the reception at market Street and at least one public library. A press release and social media posts will also be issued to promote the consultation.
- 5.11 The comments received during the consultation will be fed back to the Licensing Committee at the 04 November 2024 meeting. Members will be asked to identify any changes that they would like to make to the policy arising from the consultation. They will then recommend a policy to full Council for approval.

## **Background**

- 5.12 The [current SoGP](#) was comprehensively reviewed in 2022 to reflect the updated Guidance published by the Gambling Commission. The only change to the proposed Statement is an update to the district's population data. The current SoGP has not been the subject of any legal challenge or complaint. It is therefore considered that the current Statement of Gambling Principles remains fit for purpose.

- 5.13 In April 2023 the Government published a '[white paper](#)' consultation setting out its plans for reviewing and modernising the regulation of gambling in Great Britain. This included a number of measures to adjust outdated regulatory restrictions applying to the land-based gambling sector.
- 5.14 Since publishing the white paper, the Government has run three consultations on key proposals in the white paper; these relate to land-based gambling measures (consulted on July 2023 to October 2023), the statutory levy on gambling operators (consulted on October 2023 to December 2023) and stake limits for online slots (consulted on July 2023 to September 2023). The results are awaited.
- 5.15 Following the conclusion of these consultations, new guidance will be released by the Gambling Commission (expected later this year) and a further review of the SoGP will be conducted in light of any changes set out in this guidance.

### **Proposals**

- 5.16 That the Licensing Committee approve the draft revised SoGP at Appendix A for consultation with a view to undertaking a full review of the policy once the revised guidance is made public.

## **6 Other options considered**

- 6.1 None this is a statutory requirement.

## **7 Conclusion**

- 7.1 There is a mandatory duty on the Council to consult on and publish a revised statement and the substantive policy objectives being proposed are considered to be in the best interests of the Community, the Council and the trade. A public consultation will be undertaken to inform the process.

## **8 Appendices**

- 8.1 Appendix A – Draft Statement of Gambling Principles 2025- 2028

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### **Background Papers:**

[The Gambling Act 2005](#)

[The current Statement of Gambling Principles](#)

[The Government White Paper : High stakes: gambling reform for the digital age](#)

[Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk)

### **Subject to Call-In:**

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Yes:  No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

**Wards affected:** All

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