



Cabinet
16 November 2015

**Report from the Director of
Regeneration and Growth**

For information

Wards Affected:
ALL

Statement of Gambling Principles

1.0 Summary

- 1.1 The London Borough of Brent is a *Licensing Authority* under the Gambling Act 2005 (the Act). Section 349 of the Act requires Licensing Authorities, to prepare and publish every three years a Statement of Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough. The Act also requires licensing authorities to keep the Statement under review from time to time.
- 1.2 Alcohol & Licensing Committee agreed the Statement of Gambling Principles on 26th October 2015.
- 1.3 At the time of drafting this report the Cabinet has not meet. Members will be fully briefed on recommendations/amendments made by the Cabinet at the Full Council meeting.

2.0 Recommendation

- 2.1 That Members note the draft revised Statement of Gambling Principles (31 January 2016 – 31 January 2019) at Appendix 1; and
- 2.2 That members approve the revised Statement of Gambling Principles (31 January 2016 – 31 January 2019)

3.0 Detail

Background

- 3.1 The Gambling Act 2005 came into force in 2007, at which point Brent Council, as a *Licensing Authority*, became responsible for the licensing of gambling premises. These premises include betting offices, amusement centres, bingo halls, betting tracks and travelling fairs.
- 3.2 To facilitate this function Licensing Authorities are required to publish a Statement of Principles to apply whilst regulating gambling. This must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act. This is intended to be a high-level statement of principles, rather than about process detail.

- 3.3 When preparing a Statement of Principles, Licensing Authorities are required to adhere to regulations and have regard to the Gambling Commission's Guidance. Any Licensing Authority departing from the guidance should have strong and defensible reasons for doing so as to avoid the potential risks and costs that would arise from any Judicial Review.
- 3.4 The Statement of Principles must have regard to, and be consistent, with the Act's three objectives:
- preventing gambling from being a source of **crime and disorder**;
 - ensuring that gambling is conducted in a **fair and open** way; and
 - **protecting children and other vulnerable persons** from harm or exploitation.
- 3.5 The 'Act' or the Gambling Commission guidance has not defined who they consider to be 'vulnerable persons'. However, they state that this is likely to include:
"people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs."
- 3.6 However, Licensing Authorities cannot consider matters relating to:
- **moral objections** to gambling. Gambling is a lawful activity and objections cannot be considered on these grounds alone;
 - **planning status** of premises. A gambling licence application must be considered independently of any requirement for planning consent; and
 - **demand**. The fact that there may already be sufficient gambling premises within an area to meet existing demand cannot of itself be considered when considering a new licence application.
- 3.7 THE TOWN AND COUNTRY PLANNING (USE CLASSES) (AMENDMENT) (ENGLAND) ORDER 2015 (SI 2015 No. 597) removed betting offices from Class A2. Betting offices are now sui generis, so that any change to use as a betting office will require planning permission.
- 3.8 Excessive gambling can lead to significant personal debt. The Brent Financial Inclusion Strategy report also on the agenda for this meeting sets out the wider strategy and partnership proposals to tackle financial exclusion.
- 3.9 Brent Council published its first Statement of Principles in January 2007, and this was revised in January 2011.
- 3.10 A draft Statement of Principles is attached at Appendix 2.
- 3.11 The revised statement has been updated to take account of legislative change or to update terminology as issued in mandatory guidance from the Gambling Commission. Changes include a new name for Bet Receipt Terminals; a requirement to comply with the new Regulators' Code, additional advice notes on what constitutes bingo; and the removal of references to the now defunct horse betting levy board.
- 3.12 The draft Statement of Principles was developed, prepared and consulted upon with due regard to the requirements of the regulations, and guidance from both Local Government Regulation and the Gambling Commission.

3.13 There have been six responses to the consultation process on the revised statement of principles. As a result of consultation responses the draft statement of principles was amended prior to counsel's advice.

4.0 Financial implications

4.1 None specific.

5.0 Legal implications

5.1 In accordance with section 349 of the Act and regulations made under the Act, the Council must publish its revised Statement for a period of four weeks prior to its coming into effect on the Council's website and make it available for public inspection. The Council must also advertise the fact that the revised Statement is to be published by publishing a notice on its website, and in a local newspaper and/or a public notice board in or near the Council's offices and/or at a public library in the Borough. The Council's revised Statement will come into force on 31 January 2016.

6.0 Diversity Implications

6.1 Section 5.7 of the Statement of Principles deals with equality matters.

6.2 From the implementation of the Statement of Principles in January 2007, there have been no complaints based on equalities issues.

6.3 An Equalities Analysis is at appendix 3.

7.0 Staffing/Accommodation Implications

7.1 None specific.

Background papers

- Gambling Act 2005 - <http://www.legislation.gov.uk/ukpga/2005/19/contents>
- Brent Statement of Principles 2011 - <http://bit.ly/1JOqJma>
- Brent Statement of Principles 2007 - <http://bit.ly/1Q0JoAB>
- Gambling Commission Guidance to Licensing Authorities - <http://bit.ly/1iZoVRK>

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