



Licensing Committee

2 July 2018

Report from the Strategic Director of Regeneration & Environment

Draft Statement of Gambling Principles

Wards Affected:	All
Key or Non-Key Decision:	Non-Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	
No. of Appendices:	1
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Yogini Patel, Senior Regulatory Service Manager

1.0 Purpose of the Report

- 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.

2.0 Recommendation(s)

That the Committee:

- 2.1 note the intention to consult on a new Statement of Gambling Principles; and
- 2.2 Comment on the draft Statement of Gambling Principles (31 January 2019 – 30 January 2022) at Appendix 1 prior to the 12 week consultation being undertaken.

3.0 Detail

- 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 and specified gambling activities. These include betting premises including tracks and premises used by betting intermediaries (a person who provides a service designed to facilitate the making or acceptance of bets between others), adult gaming centres (AGCs), Family entertainment Centres

(FECs), regulating gaming and gaming machines in alcohol licenced premises, granting permits for prize gaming, registering small society lotteries etc.

- 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.
- 3.3 The aim of the Statement of Principles is to:
- Set expectations on how gambling will be regulated in the local area
 - Set out how the authority intends to support responsible operators and take effective actions against irresponsible operators by granting, refusing or attaching conditions to premises licences
 - Support licensing decisions that may be challenged in a court of law
 - Reinforce to elected members on the Licensing Committee, the powers available to the authority as the licensing authority.
- 3.4 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.
- 3.5 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 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
- 3.6 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 Brent Council published its first Statement of Principles in January 2007, and then in January 2011 and 2016.
- 3.8 A draft Statement of Gambling Principles is attached at Appendix A.
- 3.9 The draft statement takes account of the Gambling Commission's Guidance and relevant codes of practice.

- 3.11 If any minor amendments to the Statement of Principles are required before it is published for consultation, these will be undertaken by the Strategic Director Regeneration & Environment

4.0 Financial Implications

- 4.1 None specific

5.0 Legal Implications

- 5.1 Preparing a Statement of Gambling Principles is a shared function of the council. Following the statutory consultation exercise, Cabinet will consider the responses and finalise the proposed changes. Subsequently, Cabinet's proposals will be considered and adopted by Full Council.
- 5.2 In accordance with section 349 of the Act and regulations made under the Act, after adoption, the Council must publish its new 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 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 new Statement will come into force on 31 January 2019.

6.0 Equality Implications

- 6.1 Section 2.8 of the draft Statement of Principles deals with equality matters.
- 6.2 An equality impact assessment is being conducted and will be

7.0 Consultation with Ward Members and Stakeholders

- 7.1 All the responsible authorities, Councillors, Director of Public Health, premises licence holders and residents will be consulted before the Statement of Principles is finalised.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 None specific

Background papers

None

Contact Officers

Yogini Patel

Report sign off:

Amar Dave
Strategic Director Regeneration & Environment