

	<b>Cabinet</b> 12 November 2024
	<b>Report from the Corporate Director          of Neighbourhoods and          Regeneration</b>
	<b>Lead Member - Cabinet for          Environment and Enforcement          (Councillor Krupa Sheth)</b>
<b>Statement of Gambling Principles</b>	
<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	One Appendix 1: Statement of Principles for Gambling
<b>Background Papers:</b>	Two <ul style="list-style-type: none"> <li>• Licensing Policy Consultation responses</li> <li>• Equality Assessment</li> </ul> (Please note these have been published as a separate supplementary pack to accompany the main Cabinet agenda)
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## 1.0 Executive Summary

- 1.1. The Gambling Act 2005 was fully implemented during 2007 creating a system of licensing and regulation for commercial gambling. It requires the council to prepare and publish a Statement of Principles for each successive period of three years, which outlines the principles to be applied in exercising our functions as the Licensing Authority under the Act. Statutory consultation must take place prior to the Statement of Principles being determined by Full Council.
- 1.2. The Statement of Principles was comprehensively reviewed last year, but to bring the policy in line with the Gambling Commission review timetable, this policy will be reviewed again but in a light way. The policy has been slightly amended with updated website links and changes resulting from the

consultation. The current Gambling Act 2005 Statement of Principles expires on the 31 January 2025.

## **2.0 Recommendation(s)**

- 2.1 That Cabinet comment on and then note the draft revised Statement of Gambling Principles (31 January 2025 – 31 January 2028) at Appendix 1; and
- 2.2 In order to fulfill legal requirements, that Cabinet agree to refer the draft revised Statement of Gambling Principles to Full Council in November 2024 for formal adoption.

## **3.0 Detail**

### **3.1 Cabinet Member Foreward**

- 3.1.1 Under the Gambling Act 2005 ('the Act'), the council is responsible for issuing premises licences for casinos, bingo halls, betting shops, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol licensed premises.
- 3.1.2 The Council must ensure that an appropriate Statement of Principles is in place as required by statute and will support the following Council Policies and Strategies:
  - London Borough of Brent Borough Plan 2023-27, Prosperity and Stability in Brent
- 3.1.3 The council is developing a Joint Strategy Needs Assessment to estimate the scale of potential risk that gambling poses to the health of Brent residents. Additionally, the council is working with a variety of concerned stakeholders to amplify shared concerns on gambling, particularly around the approval of new gambling premises, to the new government

### **3.2 Background**

- 3.2.1 Section 349 of the Gambling Act 2005 placed a duty on Licensing Authorities to prepare and publish a three-year Statement of Principles for Gambling that they propose to apply in exercising their functions. The licensing policy statement is a crucial component of local gambling regulation. It is expected that licensing authorities will use it to outline local issues, priorities, and risks that inform and underpin their approach to local regulation. This policy statement allows licensing authorities to agree on how gambling is managed in different parts of the local authority area, in response to local concerns and issues.
- 3.2.2 Furthermore, it provides clarity for licensees and prospective licensees regarding how their businesses are likely to be treated in different localities. With a clear and agreed policy statement, licensing authorities can work in

partnership with local businesses, communities, and responsible authorities to identify and mitigate local risks to the licensing objectives.

3.2.3 The policy statement serves as the primary means for setting out the licensing authority's approach to regulation considering local circumstances. It ensures that operators have sufficient awareness and understanding of the relevant licensing authority's requirements and approach, including its view on local risks, to help them comply with local gambling regulations.

3.2.4 The statement must include the three licensing objectives which the policy will promote:

- 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.2.5 The aims of Statement of Principles are 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 and attaching conditions to premises licences.
- support licensing decisions that may be challenged in a court of law.

3.2.6 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.

3.2.7 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.

3.2.8 Brent Council published its first Statement of Principles in January 2007, further revisions were made in January 2011, 2016, 2019, 2022 and 2024.

- 3.2.9 A draft Statement of Principles is attached at Appendix 1.
- 3.2.10 The Statement of Principles was comprehensively reviewed last year, but to bring the policy in line with the Gambling Commission review timetable this policy will be reviewed again but in a light way. The policy has been slightly amended with updated website links and include changes resulting from the consultation. The current Gambling Act 2005 Statement of Principles expires on the 31 January 2025.
- 3.2.11 The revised draft statement will take account of the Gambling Commissions Guidance and relevant codes of practice.
- 3.2.12 An eight-week consultation has been undertaken which ended on 29 September 2024.
- 3.2.13 Eleven responses were received. Relevant amendments have been undertaken.
- 3.2.14 Once the Statement of Principles is approved, it must publish its revised Statement for a period of four weeks prior to it coming into effect on 31 January 2025, on the council's website, in the local newspaper, on the public notice board at council's offices and make it available for public inspection.

#### **4.0 Stakeholder and ward member consultation and engagement**

- 4.1 The Licensing Committee members were consulted on 5 June 2024 prior to the public consultation.
- 4.2 All the responsible authorities, Councillors, Director of Public Health, premises licence holders and residents have been consulted. Consultation responses have been published as a separate background paper to the main Cabinet agenda.

#### **5.0 Financial Considerations**

- 5.1 There are no direct financial implications for the proposed update to the Statement of Gambling Principles.

#### **6.0 Legal Considerations**

- 6.1 Adoption of the Council's Statement of Principles under the Gambling Act 2005 is a so-called 'shared function' under the The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Part 3 Table 3 of the council's constitution, which means that it has to be formally proposed by Cabinet for approval by Full Council.
- 6.2 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 placing 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. It is intended that the council's revised Statement will come into force on 31 January 2025.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

7.1 Section 2.8 of the Statement of Principles deals with equality matters.

7.2 An Equality Impact Assessment has been completed.

## **8.0 Climate Change and Environmental Considerations**

8.1 None specific.

## **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 None specific.

## **10.0 Communication Considerations**

10.1 Consultation was publicised on the council website and through the council's communication channels.

10.2 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 for a period of four weeks prior to its coming into effect on the council's website and make it available for public inspection.

### **Report sign off:**

**Alice Lester**

Corporate Director of Neighbourhoods and  
Regeneration