



FULL COUNCIL

26 November 2018

Report from the Strategic Director of Environment & Regeneration

Statement of Gambling Principles (2019-2022)

Wards Affected:	All
Key or Non-Key Decision:	Non-Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Appendix 1 – Statement of Principles Appendix 2 - Consultation responses Appendix 3 – Equality Impact Assessment
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Yogini Patel, Senior Regulatory Service Manager Tel: 020 8937 5262 Email: yogini.patel@brent.gov.uk

1.0 Purpose of the Report

1.1.1 The London Borough of Brent is a *Licensing Authority* under the Gambling Act 2005 (the Act). Section 349 of the Act requires all licensing authorities to prepare and publish every three years a Statement of Gambling 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 The current Statement of Principles was agreed in November 2015.

2.0 Recommendation(s)

2.1 That the Council approve the revised Statement of Gambling Principles (31 January 2019 – 30 January 2022) at Appendix 1 as proposed by the Cabinet.

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. These include betting premises including tracks and premises used

by the betting intermediaries, adult gaming centres (AGCs) premises, Family entertainment Centres (FEC) premises, 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. This must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act.
- 3.3 Brent currently licences ninety four (94) gambling premises in the borough which includes betting shops and adult gaming centres.
- 3.4 The Statement of Gambling Principles has been updated using the Gambling Act 2005 which remains unchanged together with the latest guidance issued by the Gambling Commission to local authorities.
- 3.5 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 and attaching conditions to premises licences
 - support licensing decisions that may be challenged in a court of law
 - reinforce to members on the licensing Committee the powers available to the local authority as the licensing authority.
- 3.6 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 *in order to avoid the potential risks and costs that would arise from any Judicial Review.*
- 3.7 The Statement of Principles must have regard to, and be consistent, with the Act's three objectives:
 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 2. Ensuring that gambling is conducted in a fair and open way
 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 3.8 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.

3.9 Proposed Statement of Principles is attached at Appendix 1

3.10 The revised statement takes account of the Gambling Commissions Guidance and relevant codes of practice.

3.11 Gambling operators are required to produce robust risk assessments using local area profiles to minimise gambling related harm. Local Area Profiles such as deprivation index, unemployment, hostels, housing, pay day loan shops, schools etc. for Brent have been introduced which includes interactive maps for gambling operators to use in order to produce their risk assessments.

<https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5cAurora%5cAurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always>

3.12 Where areas are identified as posing a significant risk of gambling related harm to individuals but especially to children and vulnerable adults, any new operator will be asked to consider relocating their premises to a more suitable location. Examples of such areas include Wembley High Road, Harlesden High Street, Kilburn High Road etc., which have high footfall as well as those near supported accommodation, addiction treatment centres. This is not an exhaustive list as other factors also affect gambling related harm.

3.13 A twelve week consultation has been undertaken which ended on 27th September 2018. Consultation responses are attached in Appendix 2.

3.14 Eight responses have been received. Relevant amendments have been undertaken. Counsel has undertaken a critique of Statement of Gambling Principles as well as commented on specific responses received from Association of British Bookmakers and William Hill. As a result minor amendments have been undertaken based on Counsel's advice.

3.15 Once the Statement of Principles is approved by the Council, it must publish its revised Statement for a period of four weeks prior to it coming into effect on 31 January 2019, 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 Financial Implications

4.1 There are no financial implications arising from the revised Statement of Gambling Principles.

4.2 The revised Statement of Gambling Principles will be published online, therefore there are no anticipated costs from publication or distribution of the final document.

5.0 Legal Implications

- 5.1 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.
- 5.2 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 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 2019.

6.0 Equality Implications

- 6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 6.3 Section 2.8 of the Statement of Principles deals with equality matters.
- 6.4 Equality Impact Assessment is completed and is attached at Appendix 3.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Licensing Committee members have been consulted on 4th July prior to 12 week public consultation.
- 7.2 All the responsible authorities, Councillors, Director of Public Health, premises licence holders and residents have been consulted. Consultation responses are attached in Appendix 2. Changes have been made to the draft Statement where consultation responses are agreed with.

8.0 Human Resources/Property Implications (if appropriate)

9.1 None specific

Report sign off:

Amar Dave

Strategic Director of Environment & Regeneration