

	Cabinet Member Decision Consultation on the revised Statement of Gambling Principles
	Report from the Corporate Director Resident Services
	Cabinet Member for Safer Communities and Public Protection
Consultation on the revised Statement of Gambling Principles	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Anu Prashar Senior Regulatory Service Manager Email: anu.prashar@brent.gov.uk Tel. 0208937 5515

1.0 Executive Summary

- 1.1. The Gambling Act 2005 became fully implemented in September 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 when exercising its 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 purpose of this report is to consult with the Cabinet Member to obtain authorisation to commence the necessary consultation process.

2.0 Recommendation(s)

- 2.1 That the Cabinet Member for Safer Communities & Public Protection to authorise the Senior Regulatory Service Manager to start the consultation with the public, trade and interested bodies.

2.2 That following the consultation period that a report be brought to the Cabinet Member to consider the consultation responses in relation to the council's Statement of Principles required under the Gambling Act 2005 and recommend a decision for approval to other relevant committees and Full Council.

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

3.2 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 must 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 agrees 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 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.

3.2.3 The aims of Statement of Principles are:

- Sets expectations on how gambling will be regulated in the local area.
- Sets 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.
- To support licensing decisions that may be challenged in a court of law.

3.2.4 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.

3.2.5 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.

3.2.6 Brent Council published its first Statement of Principles in January 2007, further revisions were made in January 2011, 2016, 2019 and 2022. The current Gambling Act 2005 Statement of Principles expires on the 31 January 2024.

3.2.7 The revised draft statement will take account of the Gambling Commission's Guidance and relevant codes of practice.

3.2.8 Further amendments to Statement of Principles will be undertaken if relevant and valid responses are received from the consultation process.

Alternative options

3.3.1 As detailed further in the report, there is an extensive consultation process to be carried out in respect of the Policy. Not approving the consultation process would delay the initiation of the process and could result in the council's policy not being in place by the appointed day, 31 January 2024, and this would have wide ranging implications.

4.0 Stakeholder and ward member consultation and engagement

4.1 Section 349 of the Gambling Act 2005 provides that in preparing a revision of the statement of principles, the Authority shall consult with:

- The chief officer of police for the Authority's area;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;

- 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 this Act.

4.2 The Gambling Commission guidance explains that this is “deliberately wide” as it allows *“Licensing Authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in their statement of policy”*.

4.3 The Guidance further provides that *“It is a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with, which might include consultation with relevant local groups, business and responsible authorities.”*

4.4 It is proposed that the public consultation takes place as soon as practicably possible for a period of at least six weeks.

5.0 Financial Considerations

5.1 No resource implications for the licensing authority have been identified with the review and implementation of the policy as these matters are costed into the licensing authority's overheads.

6.0 Legal Considerations

6.1 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.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

7.1 The Statement of Principles deals with equality matters within the document.

7.2 Equality Impact Assessment will be conducted.

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 Communications for the commencement of the consultation process.

Report sign off:

Corporate Director Peter Gadson
Corporate Director of Resident Services