

	Cabinet 16 November 2023
	Report from the Corporate Director of Resident Services
	Lead Member - Cabinet Member for Safer Communities and Public Protection (Cllr Harbi Farah)
Statement of Gambling Principles	

Wards Affected:	All
Key or Non-Key Decision:	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:	Three Appendix 1: Draft Statement of Gambling Principles 2022 – 2025 Appendix 2: Consultation Responses on Draft Statement of Gambling Principles Appendix 3: Equalities Impact Assessment
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Anu Prashar, Senior Regulatory Service Manager 020 8937 5515 anu.prashar@brent.gov.uk

1.0 Executive 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 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 During December 2020 the Department for Digital, Culture, Media & Sport (DCMS) launched a major and wide-ranging review of gambling laws to ensure that they are fit for the digital age. There was a call for evidence and a new Gambling Bill was expected to be presented to Parliament for assent during

2022. The council at that point would have written a new gambling policy and statement of principles that aligned with the new legislation.

1.3 The existing gambling policy in its current form was extended by Council on the 22 November 2021 for a maximum of a further 24 months until 31 January 2024.

1.4 The Department for Culture, Media & Sport has published a white paper on gambling reform in April 2023 but there has yet to be any changes to the legislation.

Even though the policy was extended, the new policy will need to align itself with the three year intervals, therefore this policy will run from 31 January 2022 to 2025.

2.0 Recommendation(s)

2.1 That the Cabinet note the draft revised Statement of Gambling Principles (31 January 2022 – 31 January 2025) at Appendix 1.

2.2 That Cabinet comments on the draft revised Statement of Gambling Principles.

2.3 In order to fulfill legal requirements, that Cabinet agree to refer the draft revised Statement of Gambling Principles to Full Council on 20 November 2023.

3.0 Detail

3.1 Cabinet Member Foreword

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 where possible, will align this to 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 Act places 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 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 aim of Statement of Principles is:

- To set expectations on how gambling will be regulated in the local area.
- To 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.
- To support licensing decisions that may be challenged in a court of law.
- To provide guidance to elected members on the licensing Committee, the powers available to the local authority as the licensing authority.

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 and 2022. The extended Gambling Act 2005 Statement of Principles expires on the 31 January 2024.

3.2.9 A draft Statement of Principles is attached at Appendix 1.

3.2.10 The revised draft statement has taken account of the Gambling Commission's Guidance and relevant codes of practice.

3.2.11 A seven week consultation has been undertaken which ended on 20 October 2023. Consultation responses are attached in Appendix 2.

3.2.12 Twelve responses have been received. Relevant amendments have been undertaken.

4.0 Stakeholder and ward member consultation and engagement

4.1 The Licensing Committee members were consulted on 2 August 2023 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 are attached in Appendix 2.

5.0 Financial Considerations

5.1 None specific

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 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 2024.

7.0 Equality, 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 and is attached at Appendix 3.

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 and/or at a public library in the Borough for as 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:

Peter Gadsdon

Corporate Director of Resident Services