

To: **Licensing and Safety Committee**
24 JUNE 2021

**DRAFT STATEMENT OF LICENSING POLICY PRINCIPLES UNDER S.349 OF THE
GAMBLING ACT 2005
Public Protection Partnership Manager**

1 Purpose of Report

- 1.1 To seek comments from the Licensing and Safety Committee on the Draft Statement of Licensing Policy Principles prior to it being consulted on.

2 Recommendations

- 2.1 That the draft Statement of Licensing Policy Principles revised prepared under Section 349 of the Gambling Act 2005 as appended to this report be approved for consultation.
- 2.2 That the Public Protection Manager is authorised to proceed with formal consultation for a twelve week period between the 07 July 2021 and the 29 September 2021.
- 2.3 That the parties as set out in paragraph 6.10 of the report be consulted.
- 2.4 That any comments on the revised Statement be brought to the 21 October 2021 Licensing and Safety Committee meeting for discussion prior to the report being formally presented for adoption at the 24 November 2021 Council meeting.

3 Reasons for Recommendations

- 3.1 This Statement of Principles has to be published in accordance with s349 of Gambling Act 2005 and is required to set out the principles that the licensing authority proposes to apply when exercising its functions under the Act. The licensing authority must publish its Statement of Principles at least every three years. The current statement is due to expire in January 2022.
- 3.2 Under the Act, the licensing authority is required to consult the following parties as a minimum before finalising its statement:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
 - 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 the Gambling Act 2005.

4 Alternative Options Considered

- 4.1 None. This is a statutory process.

5 Supporting Information

- 5.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their

functions under the Act. The Statement lasts for a maximum of three years and can be reviewed and revised by the authority at any time.

- 5.2 The present Statement was published on 31 January 2019 and therefore must undergo a review and be republished on or before 31 January 2022. The Council is required to undertake a consultation exercise in respect of any revisions to the policy.
- 5.3 Once published, the revised Statement shall be valid between 31 January 2022 and 31 January 2025.
- 5.4 This report seeks comments from the Licensing and Safety Committee on the revised draft Statement prior to consultation and also confirmation of the organisations to be consulted and the timescales to be applied to the consultation.

6 Supporting Information

Introduction

- 6.1 The Gambling Act 2005 (hereafter referred to as the Act) removed from the Magistrates' Court all responsibility for granting gaming and betting permissions. It introduced the Gambling Commission, which, alongside licensing authorities, assumed a shared responsibility for all matters previously regulated by Magistrates.
- 6.2 Licensing Authorities have powers to licence gambling premises within their area, as well as undertaking functions in relation to lower stake gambling machines and clubs. The Act also provides for a system of Temporary Use Notices which authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for strictly limited periods.
- 6.3 In June 2021 Bracknell Forest Council had responsibility for nine betting shops, one adult gaming centre, one Bingo premise, 14 premises licenced for gaming and 29 notifications of fewer than two machines.
- 6.4 Licensing Authorities licence gambling premises and issue a range of permits to authorise other gambling facilities in their area. In exercising their functions generally under the Act, Licensing Authorities must have regards to the guidance issued by the Commission with respect to their licensees, including the power to impose conditions and to review licences.
- 6.5 Section 349 of the Act requires Councils on or before each successive period of three years, to prepare a statement of the principles that they propose to apply in the exercise of their functions under the Act (the "Policy Statement") and to publish that policy statement. The current Statement of Principles expires in January 2022.
- 6.6 In formulating the statement, the Authority must have regard to the Gambling Act guidance issued by the Gambling Commission and the responses from those consulted on the policy. The statement, once adopted, will be the guiding principle for use by Members and officers when applying the Act.
- 6.7 The statement must be particular to the local authority and be formulated to achieve the government's three core aims of:
 - Preventing gambling from being a source of crime and disorder, being associated with crime and 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.
- 6.8 The Council must undergo a period of consultation on the draft Statement of Principles to establish local issues of concern and to address those concerns as far as appropriate within the statement.
- 6.9 The public consultation period will last for 12 weeks between 07 July 2021 and 28th September 2021.
- 6.10 A wide range of stakeholders will be contacted as part of the consultation, including:
- Thames Valley Police
 - Royal Berkshire Fire and Rescue Service
 - Environmental Health
 - Health and Safety Executive
 - Gambling Commission
 - Safeguarding Board (Adults and Children)
 - Public Health
 - Health and Wellbeing Board
 - Building Control
 - and other interested bodies
- 6.11 The comments received during the consultation will be fed back to the Licensing and Safety Committee at the 21 October 2021 meeting. Members will be asked to identify any changes that they would like to make to the policy arising from the consultation. They will then recommend that the policy be approved at the 24 November 2021 Full Council meeting.

Key Changes to the Document

- 6.12 There has been very little change when compared to the previous iteration of the report. A section on small society lotteries has been added and the policy has been amended to make it compliant with the current legislation and regulations as well as making it consistent with the very recent updates to the guidance to licensing authorities published by the Gambling Commission.
- 6.13 The opportunity has also been taken to provide some additional information in order to assist anyone reading the policies to understand the various sections. The general aim of the review was to ensure that the policy is both up-to-date and informative.

Proposals

- 6.14 That the Licensing Committee approves the draft revised Statement at Appendix A for consultation.

7 Other options considered

- 7.1 To run the consultation period for six to ten weeks.

8 Conclusion

- 8.1 There is a mandatory duty on the Council to consult on and publish a revised statement and the substantive policy objectives being proposed are considered to be in the best

interests of the Community, the Council and the trade. A public consultation will be undertaken to inform the process.

9 Consultation and Other Considerations

Legal Advice

- 9.1 The legal requirements and implications are set out in the body of this report. Under S. 349 of the Gambling Act 2005 ("The Act") a Licensing Authority shall, before each successive period of 3 years, prepare, consult on and publish a Statement of Licensing Policy Principles that it proposes to apply in exercising its functions under the Act. That is in addition to the requirement under the Act for the Licensing Authority to review such Statement of Licensing Policy Principles from time to time.

Financial Advice

- 9.2 The cost of producing the policy and undertaking the consultation will be met from within the existing Public Protection Partnership. There should not be any additional costs associated with this report.

Other Consultation Responses

- 9.3 Consultation on the policy will be undertaken with the parties as set out in paragraph 6.10 of the report.

Equalities Impact Assessment

- 9.4 This report relates only to the requirement for consultation on the Statement of Licensing Policy Principles. Should consultees or elected members require documents in alternative format, this will be provided on request

Strategic Risk Management Issues

- 9.5 The Council is required to renew the statement every at least every three years. A failure to do so and consult properly could result in any decisions and the policy being challenged in the Courts.

Climate Change Implications

- 9.6 The recommendations in Section 2 above are expected to:

Delete as applicable: Have no impact on emissions of CO₂.

Background Papers

The Gambling Act 2005

[Guidance to licensing authorities - Gambling Commission](#)

Contact for further information

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