

To: Licensing and Safety Committee for Recommendation/ **Council for Decision**
21 October 2021/ 24 November 2021

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

1 Purpose of Report

- 1.1 To consider the responses received during the consultation period and make a recommendation to Council that it adopts the Statement of Licensing Policy Principles under the Gambling Act 2005 (hereafter referred to as The Statement) as set out in Appendix A

2 Recommendation

- 2.1 That the Licensing Committee

- a. **NOTES** the outcome of the **consultation**
- b. **CONSIDERS** any amendments needed to be made to the draft Statement of Gambling Principles arising from the consultation;
- c. **DELEGATES** Authority to the Public Protection Partnership Manager, in consultation with the Chairman of the Licensing and Safety Committee Chairman, to make any minor corrections to the report prior to inclusion in the council agenda;
- d. **RECOMMENDS** to Full Council that the Statement be adopted.

- 2.2 That Full Council:

- a. **CONSIDERS** the Statement and the consultation responses received.
- b. **DELEGATES** Authority to the Public Protection Partnership Manager, in consultation with the Chairman of the Licensing and Safety Committee Chairman, to make any minor corrections to the report prior to publication.
- c. **APPROVES** the Statement for adoption and publication by the 31st January 2022.

3 Reasons for Recommendation

- 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 a number parties as a minimum before finalising its Statement. The consultation has now been concluded and as no comments or objections were received it is proposed that the Statement that was consulted on be recommended to Full Council for approval subject to any changes recommended by the Licensing and Safety Committee at the October 2021 meeting.

4 Alternative Options Considered

- 4.1 None. It is a statutory requirement to review and publish this policy.

5 Supporting Information

- 5.1 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.
- 5.2 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.
- 5.3 The Act requires the Council to prepare, adopt and publish a "Statement of Principles" setting out the Licensing Authority's approach to applications under the Act and the information it expects applicants to provide at least every three years.
- 5.4 The current Gambling Statement of Licensing Policy Principles was adopted at the full council meeting on 16 January 2019 and was published and came into effect 31 January 2019. The Statement must therefore be revised and republished by the end of January 2022.
- 5.5 The purpose of the Statement is to guide the administration of licensing under the Act and will assist in ensuring that an appropriate balance is drawn between the interests of those wishing to provide and take part in legal gambling, and those who might be affected by such activities. The Council continues to work with the Police, licence holders, responsible authorities and other agencies to achieve this objective.
- 5.6 The Act contains three licensing objectives that underpin the functions that the Licensing Authorities perform and which are central to the regulatory regime. They are:
- I. preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - II. ensuring that gambling is conducted in a fair and open way;
 - III. protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.7 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. Review of Statement of Principles

- 6.1 Specialist external solicitors on behalf of the Public Protection Partnership reviewed the Statement. Minor changes were proposed when compared to the previous iteration of the report. A section on small society lotteries was added and the draft policy was 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.
- 6.2 In addition some extra information was included in order to assist anyone reading the policies to understand the various sections. The general aim of the review was to ensure that the draft policy was both up-to-date and informative

- 6.3 The Draft Statement was presented to the Licensing and Safety Committee at the 24 June 2021 meeting. A number of minor changes were requested at this meeting and members also requested that section 1.2 The Borough of Bracknell Forest be updated to reflect the most current data prior to it being issued for consultation.
- 6.4 The Licensing and Safety Committee agreed that the statutory consultation on the Draft Statement would last for 12 weeks between 07th July 2021 and 29th September 2021. A public notice was placed in the Bracknell News on the 07 July 2021. Information was also placed on the website.
- 6.5 Letters were also sent to:
- Association of British Bookmakers
 - Association of Licensed Multiple Retailers
 - Bingo Association
 - British Amusement Catering Trade Association
 - British Beer and Pub Association
 - British Institute of Inn Keeping
 - Building Control
 - Committee of Registered Club Associations
 - Environmental Health
 - Gamblers Anonymous
 - Gambling Commission
 - GAMCAR
 - Health and Safety Executive
 - Health and Wellbeing Board
 - HM Revenue and Customs
 - Holders of existing gambling licences / permits
 - Involve
 - Local businesses and their representatives, e.g. Bracknell Regeneration
 - Members of Bracknell Forest Council
 - National Association of Bookmakers
 - Parish and Town Councils
 - Partnership, Bracknell Forest Chamber of Commerce
 - Planning
 - Public Health
 - Pub & Drug Watch
 - Premises licence / club premises certificate holders
 - Royal Berkshire Fire and Rescue Service
 - Safeguarding Board (Adults and Children)
 - Thames Valley Police
- 6.6 No responses, comments or objections to the consultation were received.
- 6.7 As a result of the consultation it is proposed that the Statement of Licensing Policy Principles under S.349 Of The Gambling Act 2005 as set out in Appendix A be recommend to full Council for adoption.

7 Consultation and Other Considerations

Legal Advice

- 7.1 The Gambling Statement of Principles must be reviewed at least every three years under the Gambling Act 2005 and should be the subject of a statutory consultation.

Financial Advice

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

Equalities Impact Assessment

- 7.3 In applying this Policy, no particular group is given priority over another in relation to implementation of the Policy and how any applicant is dealt with. Applications are assessed on their individual merits, so all groups will be treated fairly by the Council under its Public Sector Equality Duty.

Accordingly the Council is not in a position where it can proactively affect the profile of licence holders, but the Policy ensures that the process of obtaining a licence is fair and free of discrimination and there are no barriers to anyone making an application.

The protection of children and other vulnerable people from gambling within the policy clearly has a benefit relating to these groups. For most gambling activity you have to be 18 (16 for some activities), and so the statement of principles protects those of this age. References to age are made throughout the policy i.e. Protecting children from being harmed or exploited by gambling is a key Licensing objective enshrined in the legislation.

Within society there are vulnerable people who may develop addictions to gambling. Whilst the law requires licensed gambling premises to monitor those who gamble regularly and also to have self-exclusion schemes, historically this has been a difficult problem to deal with as Adult Safeguarding departments are not responsible authorities. They have however been consulted during the consultation phase of the revision of the policy.

On consideration, the overall conclusion of the EIA is that there is no negative impact on any characteristic or group as a result of this Policy.

Strategic Risk Management Issues

- 7.4 None

Climate Change Implications

- 7.5 The recommendations in Section 2 above are expected to have no impact on emissions.

Background Papers

The Gambling Act 2005

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

The Draft Statement of Gambling Principles 2019-2022

Appendices

Appendix A - Statement of Gambling Principles

Contact for further information

Sean Murphy, Public Protection Partnership Manager