

To: **Licensing and Safety Committee**
24 October 2024

**DRAFT STATEMENT OF LICENSING POLICY PRINCIPLES UNDER S.349 OF THE
GAMBLING ACT 2005**
Executive Director of Communities

1 Purpose of Report

- 1.1 To seek agreement to go out to consultation on the revised Draft Statement of Licensing Policy Principles.

2 Recommendations

- 2.1 That the Committee approve for consultation the revised draft Statement of Licensing Policy Principles prepared under Section 349 of the Gambling Act 2005 as appended to this report.
- 2.2 That the Service Lead - Public Protection is authorised to proceed with formal consultation for a six-week period between the 25 October 2024 and the 06 December 2024.
- 2.3 That the parties as set out in paragraph 5.10 of the report be consulted.
- 2.4 That any comments on the revised Statement be brought to the **Special Licensing and Safety Committee meeting due to be held on 19 December 2024** for discussion prior to the report being formally presented for adoption at the 08 January 2025 Council meeting.

3 Reasons for Recommendations

- 3.1 This Statement of Principles is required 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 at the end of January 2025.
- 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 requirement and process.

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 The Act which came fully into effect on 1 September 2007 created a revised system of licensing and regulation for commercial gambling. This Act gives the 'Licensing Authority' a number of important regulatory functions in relation to gambling. The main functions are to:
- licence premises for gambling activities.
 - consider notices given for the temporary use of premises for gambling.
 - grant permits for gaming and gaming machines in clubs and miners' welfare institutes.
 - regulate gaming and gaming machines in alcohol licensed premises.
 - grant permits to family entertainment centres for the use of certain lower stake gaming machines.
 - grant permits for prize gaming.
 - consider occasional use notices for betting at tracks; and
 - register small societies' lotteries.
- 5.3 In October 2024 Bracknell Forest Council had responsibility for nine betting shops, one adult gaming centre, one Bingo premise, fifteen premises licenced for gaming and thirty notifications of fewer than two machines. We also have forty-two Small Society Lottery registrations and have issued one club gaming machine permit.
- 5.4 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.
- 5.5 The present Statement was published on 31 January 2022 and therefore must undergo a review and be published on or before 31 January 2025. The Council is required to undertake a consultation exercise in respect of any revisions to the policy. Once published, the revised Statement shall be valid between 31 January 2025 and 31 January 2028.
- 5.6 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.
- 5.7 The statement must be particular to the local authority and be formulated to achieve the Gambling Licensing objectives of:
- I. Preventing gambling from being a source of crime and disorder, being associated with crime and 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.
- 5.8 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.
- 5.9 Officers are proposing that the public consultation period will last for six weeks between 25 October 2024 and 06 December 2024.
- 5.10 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
 - Parish and Town Councils
 - Elected Members
 - Relevant Licence Holders
- and other interested bodies identified in the course of the consultation.
- 5.11 The consultation will be published on the Bracknell Forest Council and PPP websites and a notice will be placed in the reception at Times Square and at least one public library. A press release and social media posts will also be issued to promote the consultation.
- 5.12 The comments received during the consultation will be fed back to the Licensing and Safety Committee at the **special meeting on the 19 December 2024**. 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 the policy, amended or otherwise, to the 08 January 2025 meeting of Council.

Key Changes to the Document

- 5.13 The current statement was comprehensively reviewed in 2022 to reflect the updated Guidance published by the Gambling Commission. The only changes to proposed statement of principles is an update to the population data of the Borough (see section 1.2) and the inclusion of a definition of gaming machines in the glossary. The population figure in the 2022 - 2025 iteration of the policy was 121, 676 (2018 data) and the revised figure is 124,608 (2021 data). The definition of gaming machines is a new addition to the policy. Both changes are highlighted in yellow on the attached Statement.
- 5.14 The statement has not been subject to challenge or complaint. It is therefore considered the current Statement of Gambling Principles remain fit for purpose, subject to the two minor changes set out above.

- 5.15 In April 2023 the then Government published a ‘white paper’ consultation setting out its plans for reviewing and modernising the regulation of gambling in Great Britain. This included a number of measures to adjust outdated regulatory restrictions applying to the land-based gambling sector.
- 5.16 Since publishing the white paper, the then Government has run three consultations on key proposals in the white paper; these relate to land-based gambling measures (consulted on July 2023 to October 2023), the statutory levy on gambling operators (consulted on October 2023 to December 2023) and stake limits for online slots (consulted on July 2023 to September 2023). The results are awaited.
- 5.17 Following the conclusion of these consultations, new guidance will be released by the Gambling Commission and a further review of the Statement will be conducted in light of any changes set out in that guidance.

6. Proposals

- 6.1 That the Committee approves the draft revised Statement at Appendix A for consultation with a view to undertaking a further review of the policy once the revised guidance, based on the White Paper, is made public. Legal advice indicates we cannot delay pending the review given the strict timescales set out in the Gambling Act 2005.

7. Conclusion

- 7.1 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.

8 Consultation and Other Considerations

Legal Advice

- 8.1 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

- 8.2 There are no financial implications associated with the report, any amendments and the consultation costs will be met from within existing resources.

Other Consultation Responses

- 8.3 Will be identified during the consultation.

Equalities Impact Assessment

- 8.4 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

- 8.5 The Council is required to renew the statement 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 and Ecological Impacts

- 8.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO₂.

Health & Wellbeing Considerations

- 8.7 This report relates only to the requirement for consultation on the Gambling Statement of Principles. The Policy is designed to try and protect residents from harm.

Background Papers

The Gambling Act 2005

The Current Statement of Gambling Principles

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

[The Government White Paper: High stakes: gambling reform for the digital age](#)

[Guidance to licensing authorities \(gamblingcommission.gov.uk\)](http://gamblingcommission.gov.uk)

Contact for further information

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