

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 23rd November 2021

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WARD(S): All

PART I **FOR DECISION**

RECOMMENDATION OF THE LICENSING COMMITTEE FROM ITS MEETING HELD ON 14TH OCTOBER 2021

GAMBLING ACT 2005: REVIEW OF ‘STATEMENT OF PRINCIPLES’

1. Purpose of Report

To consider a recommendation from the Licensing Committee from its meeting held on 14th October 2021 for the Council to formally adopt the Statement of Principles Policy (as amended 2021).

2. Recommendation/Proposed Action

The Council is requested to resolve that the Gambling Act 2005 Statement of Principles Policy (as amended 2021) is adopted as the Council’s Gambling Policy.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

The review and consultation on the Statement of Principles for the Gambling Act 2005 is a statutory requirement that ensures that the Licensing Authority can carry out its functions under the 2005 Act.

The report outlines the requirement to conduct a review of the policy under the 2005 Act, at least every 3 years. In doing so this contributes toward the Council’s Five Year Plan with the specific outcomes of:

- Our children and young people will have the best start in life and opportunities to give them positive lives.
- Slough will be an attractive place where people choose to live, work and visit.
- Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

4. Other Implications

(a) Financial

There are no financial implications of the proposed action.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
a. The Committee is requested to recommend to Full Council that the Gambling Act 2005 Statement of Principles policy (as amended 2021) is adopted as the Gambling Act Statement of Principles.	The Council will not be able to properly control gambling premises without the policies being fully reviewed.	The review and consultation are a statutory 3 yearly requirement.

(c) Human Rights Act and Other Legal Implications

Section 349 of the Gambling Act 2005 requires a licensing authority to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the Act, and the licensing authority is expected to review this from time to time (and amend it if necessary), ensuring that it is reviewed and published at least before the end of each successive three year period.

Section 349 of the Act also sets out who the authority should consult with in relation to the statement of principles:

- 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, 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 Act.

There are no direct Human Rights Act implications anticipated.

The approval of this policy is a non-executive function reserved to Full Council under the Policy Framework as set out in the Council's Constitution.

(d) Equalities Impact Assessment

In consideration of the duty under section 149 of the Equality Act 2010, the Equality Impact Assessment has been reviewed following the formal consultation and the conclusions are that there are no adverse or negative impacts on any of the protected groups.

Supporting Information

5. Statement of Gambling Principles

- 5.1 The Gambling Act 2005 placed the responsibility for the regulation of gambling on the Gambling Commission, and local authorities. In brief, the function of the Gambling Commission is to regulate the operators of gambling premises and to issue codes of practice and guidance. The functions of the Council are to:

- license premises for gambling activities;
- consider notices for 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 society lotteries.

5.2 The Council is required under the Gambling Act to put in place a policy, which is called a Statement of Principles, which they propose to apply when exercising their functions under the Act. The Act requires that the policy is reviewed every three years.

The policy has been reviewed this year and has undergone the statutory consultation, and must be adopted by **31st January 2022**. The revised Statement of Principles is in accordance with the Gambling Commissions 'Guidance to Licensing Authorities' (published April 2021).

This Statement is first and foremost subject to the three licensing objectives under the Gambling Act 2005, which are:

- Preventing gambling from being a source of crime and disorder, being associated with crime or 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.

5.3 The Gambling Act requires that there is a consultation on the draft Statement of Principles **A consultation was conducted between 23rd July 2021 and 3rd September 2021**. The consultation included a press release, placing the draft 'Statement' with information about the consultation on the Council's website, and writing to the persons or organisations listed in *Appendix "B"* - ,as well as all the elected members of this Council.

5.4 All the original amendments prior to consultation are highlighted in red, and following the consultation no further amendments have been deemed necessary and made to the document. The final draft document is attached at appendix A. There was one response to the consultation from Thames Valley Police (attached at appendix B).

6. Comments of Other Committees

This report was considered by the Licensing Committee on 14th October 2021 and it was agreed to recommend adoption of the Gambling Act 2005 Statement of Principles Policy (as amended 2021) as the Council's Gambling Policy.

7. Conclusion

That the Council approve the Gambling Act 2005 Statement of Principles Policy (as amended 2021) as the Council's Gambling Policy, following which the policy must be published locally and will take effect no later than 31st January 2022.

8. Appendices

Appendix A – Statement of Principles – final draft

Appendix B – TVP response

9. Background Papers

The current Gambling Act 2005 Slough Statement of Principles (2015).
Gambling Commission Guidance to Local Authorities (April 2021 as revised)