

LICENSING COMMITTEE



Report subject	Approve Statement of Licensing Principles- Gambling Act Policy 2025 - 2028
Meeting date	19 September 2024
Status	Public Report
Executive summary	<p>The Gambling Act 2005 requires all local authorities to review their Statement of Licensing Principles – Gambling Act Policy every three years.</p> <p>National guidance to support and update the content of these policies is issued by the Gambling Commission on a regular basis. The BCP Council Policy is due for review by the end of 2024 for implementation from January 2025.</p> <p>Currently there are several consultations ongoing within the Gambling Commission which will impact on national guidance issued to local authorities. The Gambling Commission has therefore suggested that rather than a full review of policies this year, local authorities can undertake a 'refresh' of the document and then review fully once national guidance has been issued, this is anticipated to be at some point during 2025.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the draft policy put forward for approval and either</p> <p>I. Agree the final version of the policy as presented</p> <p>II. Amend the policy and agree final wording of policy</p> <p>The agreed policy will then be presented to Full Council on 10 December 2024 for ratification.</p>
Reason for recommendations	<p>Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Licensing Principles that they propose to apply in exercising their functions under the Act.</p> <p>The Statement of Licensing Principles is reviewed every three years and reflects the expectations placed on local operators by the Licensing Authority in making applications and maintaining licences.</p>

Portfolio Holder(s):	Councillor Kieron Wilson – Housing and Regulatory Services
Corporate Director	Jilliam Kay – Director for Wellbeing
Report Authors	Nananka Randle- Licensing and Trading Standards Manager
Wards	Council-wide
Classification	For Decision

Background

1. The Gambling Act 2005 (the Act) requires Licensing Authorities to prepare and publish a Statement of Licensing Principles (Statement of Gambling Policy) which is reflective of local issues, local data, local risk and the expectations that the Licensing Authority has of operators.
2. The Statement of Gambling Policy is one means by which the Licensing Authority can make clear their expectations of gambling operators and pubs and clubs who site gaming machines, so they can proactively mitigate risks to the licensing objections, namely;
 - a. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - b. ensuring that gambling is conducted in a fair and open way; and
 - c. protecting children and other vulnerable persons from being harmed or exploited by gambling.
3. The purpose of the Statement of Gambling Policy is to reflect the local gambling concerns and circumstances, set out the Council's wider strategic objectives and provide a point of reference for gambling activity.
4. As required by the Act and guidance issued by the Gambling Commission, the Council, in carrying out its licensing functions under the Act will aim to permit the use of premises for gambling as long as it is considered to be:
 - In accordance with any relevant code of practice issued by the Gambling Commission,
 - in accordance with any relevant guidance issued by the Commission,
 - reasonably consistent with the licensing objectives and
 - in accordance with this Policy Statement published under section 349 of the Act
5. Nothing in the Statement of Licensing Principles will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in the Statement of Licensing Principles will undermine the right of any person to make representations to an application or seek a review of a licence where there is a legal power to do so.

Gambling Commission Guidance

6. The Statement of Licensing Principles is usually drafted with reference to the guidance issued by the Gambling Commission.
7. On the 15 April 2024 the Institute of Licensing Published a statement issued by the Gambling Commission relating to Statement of Licensing Policy reviews during a time when the Gambling Act is subject to reviews.

The Commission's Policy Manager and Lead, Rob Burkitt, said:

“As required by the Gambling Act 2005 each Licensing Authority is required to renew their Statement every 3 years. The renewal date in this current cycle is January 2025. The Commission is advising that you should make plans as to how to conduct this renewal process.

Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement.

Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025. Thereafter we will publish a revised GLA which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale.” <https://www.instituteoflicensing.org/news/gambling-commission-issue-guidance-on-solp-reviews/>

8. In light of this statement the attached draft policy has purely been refreshed with updated dates for implementation and an amendment to reflect the change in population numbers since the last policy was introduced.
9. Once the updated guidance by the Gambling Commission has been published it is the intended to undertake a full review of the BCP Council Statement of Principles this will include full consultation with key stakeholders and the public.

Amendments make to refresh the Policy

10. The current policy is available to view on our website . [Gambling-Licensing-Policy \(bcpcouncil.gov.uk\)](https://www.bcp-council.gov.uk/gambling-licensing-policy)
11. The draft presented in Appendix 1 has the following minor changes proposed from the existing policy dated 2022-2025 [Gambling-Licensing-Policy \(bcpcouncil.gov.uk\)](https://www.bcp-council.gov.uk/gambling-licensing-policy) :-
 - a. Front page updated date to 2025 – 2028 and amended review date to 2028.
 - b. Chapter 3 amended to reflect updated policy and remove mention of legacy authorities.
 - c. Chapter 4 amended to reflect approval and ratification dates.
 - d. Chapter 5 amended at 5.2 to remove the section regarding consultation and amend the wording to reflect the proposed refresh and consultation will take place once the review has taken place.
 - e. Chapter 7 amended at 7.2 to reflect updated population statistics.

- f. Paragraph 7.4 amended to remove the reference to the air festival

Options Appraisal

12. Members are asked to consider the draft policy together with the consultation feedback responses and either
 - a. Agree the final version of the policy as presented, or
 - b. Amend the policy and agree final version of the policy.
13. Once the final version of the policy has been agreed it will be presented to Full Council on 10 December 2024 for ratification.

Summary of financial implications

14. All costs in the implementation of this policy will be covered by the fees which are set on a cost recovery basis.

Summary of legal implications

15. It is a legal requirement to produce and reissue the policy every three years.
16. Failure to produce a new policy can put the council at risk of judicial review

Summary of human resources implications

17. The policy will be administered within existing team resources.

Summary of sustainability impact

18. Not applicable

Summary of public health implications

19. One of the licensing objectives is to protect children and vulnerable adults from harm or exploitation from gambling

Summary of equality implications

20. This a refresh of an existing policy with no real changes as such the Equalities Impact Assessment (EIA) that was undertaken at the time the original policy was produced remains valid.
21. When the new guidance is issued, and the policy is reviewed and amended a new EIA will be completed and presented to the BCP EIA panel in due course.

Summary of risk assessment

22. As with any policy, this will be open to potential review. In this case following guidance from the Gambling Commission the existing Policy has purely been refreshed and we have set out our intention to fully review this when the updated Gambling Commission guidance for Local Authorities is issued. We do not have any clear date for the publication of the guidance at this time.
23. A clear and transparent process has been followed to explain the decision to refresh and not fully review the current policy at this time.

Background papers

Gambling Act 2005 [Gambling Act 2005](#)

Gambling Commission – [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/guidance-to-licensing-authorities)

Appendices

Appendix 1 – Draft Statement of Licensing Principles- Gambling Act Policy 2025-2028