

GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

Relevant Portfolio Holder	Councillor C B Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Council's current Statement of Principles under the Gambling Act 2005 took effect on 31st January 2022. In accordance with the provisions of the Act, the Council is required to prepare and publish a Statement of Principles every three years. Therefore, a new Statement of Principles must be published by 31st January 2025.
- 1.2 As part of the process of preparing a Statement of Principles for the three-year period beginning on 31st January 2025, the Licensing Committee are now asked to approve a draft Statement of Principles for the purpose of consultation with relevant parties.

2. RECOMMENDATIONS

- 2.1 **Members are asked to RESOLVE;**

To approve the draft Statement of Principles shown at Appendix 1 for the purpose of consultation with relevant parties.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation would be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Section 349 of the Gambling Act 2005 requires that the licensing authority produce, consult on and publish a Statement of the Principles that it proposes to apply when exercising its functions under the Act.
- 3.3 The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.
- 3.4 When preparing a Statement of Principles, the Council is required to consult with:-
- 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 this Act.

Service / Operational Implications

- 3.5 Bromsgrove District Council is a licensing authority in accordance with the provision of the Gambling Act 2005.
- 3.6 Each licensing authority is required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 3.7 The Council's current Statement of Principles took effect on 31st January 2022 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2025.
- 3.8 Since the current Statement of Principles took effect, there have been no significant amendments to the provisions of the Gambling Act 2005. Nor have there been any major changes made to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that licensed operators have to comply with or the Gambling Commission's statutory Guidance to Licensing Authorities (GLA).

- 3.9 However, in April 2023 the government did publish a long-awaited white paper entitled “High Stakes: Gambling Reform for the Digital Age.” The White Paper sets out the government’s plan for reform of gambling regulation, following the review of the Gambling Act 2005 that was first launched in December 2020.
- 3.10 The white paper contained a number of proposals for reforming gambling regulation in the following areas:
- Online protections – players and products
 - Marketing and advertising
 - The Gambling Commission’s powers and resources
 - Dispute resolution and consumer redress
 - Children and young adults
 - Land-based gambling
- 3.11 Whilst many of the proposed reforms are not directly relevant to the role that the Council plays in the regulation of gambling activities, there are some proposed changes that are directly relevant. These include:
- Proposals to relax the rules on the split of low and medium maximum stake machines in certain licensed gambling premises.
 - A review of the premises licence fees cap for local authorities.
 - Introducing new powers to local authorities to conduct cumulative impact assessments for gambling premises.
 - Proposals to change the rules that allow under 18s to play Category D gaming machines that pay cash prizes.
 - Proposals to make provisions within the Gambling Commission’s code of practise on the siting of gaming machines in licensed premises legally binding.
- 3.12 Following the publication of the white paper, several different consultations have been undertaken by both the Department for Culture, Media and Sport and the Gambling Commission concerning the various proposals for legislative reform.
- 3.13 At this stage however, it is unclear when the government will bring forwards the required legislation to implement the proposed reforms.
- 3.14 This presents something of a dilemma for licensing authorities such as Bromsgrove District Council, as they are required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. The Council’s next statement of principles needs to be prepared and published before 31st January 2025.

- 3.15 As the timescales for legislation to be brought forward are unclear at this stage, officers are recommending that no substantive changes are made to the statement of principles at the present time and therefore very few changes are being proposed in the draft statement of principles that is shown at **Appendix 1**.
- 3.16 Indeed the only changes that officers believe need to be made at the present time are as follows:
- Updating the dates shown on the front page.
 - Updating the population figure given in the introduction to reflect the latest census figures.
 - Updating the dates between which consultation on the draft statement of principles will have taken place.
 - Updating the list of consultees at Appendix B of the statement of principles to include additional gambling and other relevant trade associations.
- 3.17 As well as having to prepare and publish a new statement of principles before every successive three-year period, licensing authorities are able to review their statements during those three-year periods and are able to revise the statement at any point in time if they think it is necessary.
- 3.18 Therefore, whilst officers do not believe that any substantive changes are required to the statement of principles at the present time, it is considered highly likely that a revised statement of principles will need to be prepared and published between 31st January 2025 and 31st January 2028 in order to make any revisions that may be necessary as a result of any regulatory reforms enacted in connection with the proposals set out in the white paper.
- 3.19 For now officers are recommending that Member resolve to approve the draft statement of principles shown at **Appendix 1** for the purpose of consultation.
- 3.20 Consultation on the draft Statement of Principles will take place with all relevant parties including:
- The Chief Officer of West Mercia Police
 - The Gambling Commission
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - Public Health
 - Organisations working with people who are problem gamblers
 - Parish Councils
 - The general public

- 3.21 The consultation will also be made available for comment via the Council's website and publicised via social media and also through the local press. Given that the proposed changes to the existing Statement of Principles are very minor, it is proposed that consultation take place over a period of 6 – 8 weeks.
- 3.22 Any responses received during the consultation exercise will be reported back to the Licensing Committee later this year.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Principles by 31st January 2025 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Gambling Act 2005.

5. APPENDICES

Appendix 1 - Draft Statement of Principles

AUTHOR OF REPORT

Name: Dave Etheridge – Principal Officer (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799