

## Slough Borough Council

<b>Report To:</b>	Licensing Committee
<b>Date:</b>	5 February 2025
<b>Subject:</b>	Gambling Act 2005 – Review of Statement of Gambling Licensing policy 2025 – 2028
<b>Chief Officer:</b>	Tessa Lindfield
<b>Contact Officer:</b>	Russell Denney-Clarke – Licensing Manager
<b>Ward(s):</b>	All
<b>Exempt:</b>	NO
<b>Appendices:</b>	Appendix A – List of Consultees Appendix B - The Lotteries Council email response Appendix C – Draft Statement of Gambling Licensing policy 2025 – 2028

### 1. Summary and Recommendations

- 1.1 This report sets out to advise members on the results of the consultation on the review of the Council’s Gambling Act 2005 Statement of Principles, commonly known as a policy statement, and to recommend for approval the revised Statement of Gambling Licensing Principles for the period 2025-2028.

#### Recommendations:

- 1.2 Committee is asked to: Recommend to Full Council that the draft revised Statement of Gambling Licensing Policy 2025-2028 is adopted as the Council’s Gambling Licensing Policy (the “**Policy**”).
- 1.3 Reason: The review of the Statement of Gambling Licensing policy under the Gambling Act 2005 (the “**Act**”) is a statutory requirement. The Act requires each licensing authority to prepare and publish a statement of policy. The policy sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the three licensing objectives.
- 1.4 Each licensing authority is required to keep its statement of policy under review, to update it no less than every 3 years and make any revisions it considers appropriate.

#### Commissioner Review

Commissioners have reviewed the report and made no comments.

## **2. Report**

### **Introductory paragraph**

2.1 The Act imposes a duty on the Council, as the licensing authority, to carry out its functions under the Act with a view to promoting the three licensing objectives, namely:

- Preventing gambling from being a source of crime or 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.

2.2 Each of these three licensing objectives is of paramount and equal importance.

2.3 The Council's wellbeing priorities:

Priorities:

1. Protecting vulnerable children
2. Increasing life expectancy by focusing on inequalities
3. Improving mental health and wellbeing

### **Options considered**

2.4 The Act requires the Council to publish its statement of gambling licensing policy not less than every 3 years since the date of the previous policy. Therefore, to ensure compliance with the Act, other options are not recommended.

2.5 Consideration has been given to how the decision sought will help the Council meets its vision and corporate priorities, however the nature of the policy is outside the scope of these priorities in that it is a legal requirement for the Council to have and revise this statement of policy under the Act. The policy does cover the protection of children and vulnerable people from harm as one of the three licensing objectives that licensing authorities are required to consider under the Act.

### **Background**

2.6 The Act 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 minors 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.

The Council is required under the Act to put in place a policy, which is called a Statement of Gambling Licensing policy, which they propose to apply when exercising their functions under the Act. As stated earlier, the Act requires that the policy is reviewed every 3 years.

- 2.7 The policy has been reviewed and has undergone the statutory consultation. The revised policy is in accordance with the Gambling Commissions 'Guidance to Licensing Authorities Guidance to Licensing Authorities' (first published April 2021 – updated 11 April 2023).
- 2.8 The Gambling Act requires that there is a consultation on the draft Statement of Gambling Licensing Policy. **A consultation was conducted between 15 November 2024 and 12 December 2024.** The draft policy statement was published on the Council's website and communicated to persons or organisations listed in *Appendix 'A'*. It was also circulated to all elected members of this Council.
- 2.9 All the original amendments prior to consultation are highlighted in red. One response was received to the consultation from The Lotteries Council highlighting that section 11.2, needed the regulator for the National Lottery corrected to the Gambling Commission (attached at *Appendix 'B'*). No further amendments have been made to the document. The final draft document is attached at *Appendix 'C'*.
- 2.10 The Committee is asked to recommend the adoption of the revised policy document to Full Council, following which the policy The Act governs the licensing of alcohol, regulated entertainment, and late-night refreshment, which is administered in Slough by the Council, as the licensing authority for the borough.

## Implications of the Recommendation

### 3 Financial implications

- 3.1 There are no direct financial implications arising from this report.

### 3.2 Legal implications

- 3.2.1 Section 349 of the Act requires a licensing authority to prepare and publish a statement gambling licensing policy 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.
- 3.2.2 Section 349 of the Act also sets out who the authority should consult with in relation to the policy statement;
- 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.

- 3.2.3 The Council is required to have regard to the statement of gambling licensing policy and make decisions in accordance with it. Licensing authorities may depart from their policy if the individual circumstances of any case merit such a decision in the interests of promoting the licensing objectives. In this event it is important that full justifiable reasons are given for departing from the published statement of licensing policy.
- 3.2.4 Section 1 and Schedule 1 Part 1 and 11 of The Human Rights Act 1998 apply:
- 3.2.5 Article 1 – Every person is entitled to a peaceful enjoyment of his or her possessions including the possession of a licence and shall not be deprived of the possession except in the public interest.
- 3.2.6 Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent *and impartial tribunal by law*.
- 3.2.7 Article 8 – Respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life.
- 3.2.8 Article 10 – Right to freedom of expression.
- 3.2.9 Members should note that the Act imposes a duty on the Council, as the licensing authority, to carry out its functions under the Act with a view to promoting the three licensing objectives, referred to in section 2.1 of this report. Each of these objectives is of paramount and equal importance.
- 3.2.10 Members should note that the statement of gambling licensing policy must not be inconsistent with the provisions of the Act and must not override the right/s of any individual as provided for in that Act. Nor must the statement of gambling licensing policy be inconsistent with obligations placed on the Council under any other legislation, including human rights legislation. Members should also note that the Council has a duty under Section 17 of the Crime and Disorder Act 1998, when carrying out its functions as a licensing authority under the 2005 Act, to do all it reasonably can to prevent crime and disorder within the Borough.
- 3.2.11 Under Part 3.4 (Responsibility for Functions) of the Council's Constitution, the Licensing Committee's responsibilities include determining all functions not reserved to Full Council in relation to the Act, and to approve policy in relation to this function where these are not executive functions or reserved to Council.
- 3.2.12 Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, decisions relating to licensing matters are not the responsibility, or the sole responsibility, of an authority's executive. Schedule 3 of these Regulations specifies the licensing authority's policy statement under the Act is a function not to be the sole representative of an authority's Executive.
- 3.2.13 The Act provides that whilst the majority of the functions of the licensing authority, are to be taken or carried out by its licensing committee, decisions relating to the statement of licensing policy cannot be delegated in such a way. The decision on whether to adopt the statement of gambling licensing policy must therefore be taken by Full Council.

### **3.3 Risk management implications**

3.3.1 The Act requires that the licensing authority have in place a Statement of Gambling Principles document to adhere to in order to carry out its statutory functions under the Act.

3.3.2 Licensing functions cannot be carried out without a policy document in place.

### **3.4 Environmental implications**

3.4.1 Consideration has given to environmental implications however the nature of the decision is outside the scope of these priorities.

### **3.5 Equality implications**

3.5.1 There are no equality implications to the Council.

### **3.6 Procurement implications**

3.6.1 There are no procurement implications of the Council.

## **4. Background Papers**

[Gambling Act 2005](#)

Gambling Act 2005 - [Guidance to licensing authorities](#)

Gambling Commission - [Councillors guide](#)

[Gambling Act 2005 Statement of Principles 2022-2025.pdf](#)