

**GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES
CONSIDERATION OF CONSULTATION RESPONSES**

Relevant Portfolio Holder	Councillor M Stringfellow
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 On 15th July 2024, the Licensing Committee approved a draft revised Statement of Principles for consultation purposes. The results of the consultation are now being reported back to the Committee who are asked to recommend to Council that the draft revised Statement of Principles be approved and published.

2. RECOMMENDATIONS

2.1 Members are asked to RESOLVE;

To recommend to Council that the draft Statement of Principles at Appendix 2 be approved and published with effect from 31st January 2025.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation were 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 Redditch Borough 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 Redditch Borough 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 recommended that no substantive changes are made to the statement of principles at the present time and therefore very few changes were proposed in the draft statement of principles that the Licensing Committee approved for the purpose of consultation on 15th July 2024.
- 3.16 The only changes that officers believed needed 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 section to reflect the latest census figures.
 - Updating the dates between which consultation on the draft statement of principles will have taken place.
 - Updating the boundary map at Appendix A of the statement of principles to reflect new Ward boundaries implemented since the existing statement of principles took effect.
 - Updating the list of consultees at Appendix B of the statement of principles to include additional gambling and other relevant trade associations.
- 3.17 Consultation on the draft Statement of Principles was undertaken 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
- 3.18 The consultation was also made available for comment via the Council's website and publicised via social media. The consultation exercise was undertaken between 8th August 2024 and 13th September 2024.
- 3.19 The Operations Manager of Lotteries Council responded to the consultation to say that they had reviewed the draft Statement of Principles and had no comment to make.
- 3.20 A response was also received in respect of the draft Statement of Principles from solicitors acting on behalf of the Betting and Gaming Council. This response is shown in full at **Appendix 1**.

- 3.21 The response sent on behalf of the Betting and Gaming Council suggests that paragraph 11.2 of the draft Statement of Principles should be redrafted to remove reference to whether or not a premises is in an area of deprivation, as a matter to be considered by operators when conducting their local risk assessments.
- 3.22 Officers respectfully disagree with this suggestion. It is considered that those who live in areas of deprivation are potentially more vulnerable to being harmed or exploited by gambling. This position is supported by research and analysis published by the Gambling Commission in their “Gambling-related harms evidence review: summary” document, which states that:
- “The socio-demographic profile of gamblers appears to change as gambling risk increases, with harmful gambling associated with people who are unemployed and among people living in more deprived areas.”*
- 3.23 Therefore in order to properly promote the licensing objectives, officers believe that gambling operators should consider whether or not the premises is located in an area of deprivation when conducting their local area risk assessment in order to ensure that they are properly protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.24 In light of this, officers do not believe that any further amendments need to be made to the draft Statement of Principles that was consulted upon, save for inclusion of the newly approved Council logo on the front cover.
- 3.25 The Licensing Committee is now asked to resolve to recommend to Council that the draft Statement of Principles at **Appendix 2** be approved and published with effect from 31st January 2025.

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 - Consultation Response sent on behalf of the Betting and Gaming Council (BGC)

Appendix 2 - Draft Revised Statement of Principles

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