

Meeting of:	CABINET
Date of Meeting:	19 NOVEMBER 2024
Report Title:	GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES 2025-2028
Report Owner / Corporate Director:	CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY
Responsible Officer:	KIRSTY EVANS LICENSING TEAM MANAGER
Policy Framework and Procedure Rules:	The report content has no direct effect upon the policy framework and procedure rules.
Executive Summary:	A review of the Statement of Licensing Principles in respect of the Gambling Act 2005. No policy changes are proposed for the next triennial period.

1. Purpose of Report

- 1.1 The purpose of this report is to ask Cabinet to endorse the publication of the Council’s Statement of Licensing Principles for the next triennial period 2025 to 2028, and to forward the policy to Council for final approval and publication in accordance with the regulations.

2. Background

- 2.1 The Gambling Commission is the unified regulator for gambling in Great Britain and it is responsible for granting operating and personal licences for commercial gambling operators. However, the responsibility for licensing land-based premises, as well as functions in relation to issuing permits and regulations, rests with local authorities. The Gambling Commission issues statutory Guidance on the manner in which local authorities are to exercise their functions under the Gambling Act 2005 (‘The Act’).
- 2.2 The Council, as a licensing authority, must publish on a three-year basis a Statement of Licensing Principles, governing the policy, regulation and decision-making process relating to gambling premises. The approval of the Statement of Licensing Principles is a Council function.
- 2.3 The Council, as a licensing authority, carries out a number of regulatory functions including to:

- Licence premises for gambling activities (betting shops, bingo, adult gaming centres).
- 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 (FECs) for the use of certain lower stake gaming machines.
- Consider occasional use notices for betting at tracks.
- Register small societies' lotteries.

2.4 The Act sets out three licensing objectives which are central to regulating gambling. These are:

- 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.

2.5 The authority cannot take into account other considerations such as moral or ethical objections to gambling. In addition, the Council has no powers to regulate remote or online gambling and cannot therefore adopt policy guidelines in respect of online gambling via the internet, telephone or television.

2.6 The Council's primary obligation under Section 153 (1) of the Gambling Act 2005 is to permit the use of premises for gambling insofar as it thinks that to do so is:

- In accordance with relevant codes of practice issued by the Gambling Commission;
- In accordance with guidance issued by the Commission;
- Reasonably consistent with the licensing objectives subject to a) and b) above; and
- In accordance with the Licensing Authority Statement of Policy subject to a) to c) above:

The Guidance also emphasises that in seeking to encourage consistency across licensing areas, the Commission does not seek to fetter the discretion that authorities have under the Act to make decisions which reflect local circumstances.

3. Current situation / proposal

- 3.1 In April 2023 the Department for Culture, Media and Sport (DCMS) published its gambling white paper which included proposals for modernising regulation of the land-based sector.
- 3.2 Following a public consultation with a range of stake holders on 16 May 2024 the Government published its conclusions and proposals that will impact the sector throughout Great Britain.
- 3.3 The proposed changes are as follows:
- **Casinos:** Providing consistency between different types of casino premises:
 - i. allowing 1968 Act (converted) casinos to increase their total gaming machine entitlement, proportionate to their size and non-gambling area. Increasing the maximum number of Category B gaming machines permitted from 20 to 80 if they meet the size requirements of Small 2005 Act casino premises.
 - ii. Implementation of a maximum gaming machine to table ratio of 5:1 for 1968 Act Casinos and Small 2005 Act Casinos.
 - iii. Permitting all casino premises to provide betting services, which was previously restricted to 2005 Act casino premises.
 - **Gaming Machines in Adult Gaming Centre arcades and Bingo halls:** Allowing a 2:1 ratio of Category B to Category C and D gaming machines where devices are of a comparable size.
 - **Cashless payments on gaming machines:** removing the prohibition on the direct use of debit card payments on gaming machines, subject to the introduction of appropriate player protection measures to be applied through the Gambling Commission's Gaming Machine Technical Standards.
 - **Introduction of a legal age limit of 18 for low stake 'cash-out' style Category D slot-style gaming machines. The changes will mandate the voluntary age restriction already applied by BACTA members.**
 - **Raising the current fee cap that Licensing Authorities may charge for premises licences in England and Wales by 15%:** The purpose being to enable authorities to undertake more enforcement and engagement activities with licensed premises. Fees for premises in Scotland are subject to devolved powers and are a consideration for the Scottish Government.
- 3.4 These changes will be introduced through 6 statutory instruments (regulations) which will be laid before Parliament.
- 3.5. It has not been confirmed when these legislative changes will be made however it is likely they will be introduced over the next couple of years.
- 3.6 Since the last local review, the Council has received no evidence of new trends or concerns in the land-based market that it regulated. The Government white paper highlights that the steady industry growth and shift to online gambling has seen

neither a market increased in overall gambling participation, nor an increase in population gambling rates.

3.7 That being the case, it is proposed that the Council move to renew its Statement of Licensing Principles with no changes in policy for the next triennial period; 2025 to 2028. It is foreseen that a full detailed review can be carried out once any changes have been introduced. If changes are introduced during the three-year period, the policy can be reviewed earlier if necessary. This approach was set out in a consultation document and a copy of the draft Statement of Licensing Principles is attached at Appendix A; updates to the preface and statistics are detailed in red.

3.8 The Consultation was published on the Council's website between 26 July 2024 and 23 August 2024 and notice was given to:

- Responsible Authorities including police, safeguarding and community safety
- Trade representatives
- Problem Gambling Organisations
- BCBC Members
- Town and Community Councils

3.9 A response was received from GamCare which is an independent charity providing information, advice and support for anyone affected by gambling harms. They also operate the National Gambling Helpline.

In their response they detail that they support Bridgend County Borough Council's position in Statement of Licensing Principles and suggest that the Council may look to gather statistics from the National Gambling Helpline which they operate to assist in developing a local profile. Their full response is attached to this report at **Appendix B**.

A request was subsequently made for any such statistics which could support our policy, but no response was received from GamCare.

3.10 No other consultation responses were received.

3.11 In conclusion, as the Council has received no evidence of new trends or concerns within the land-based market it regulates, it is proposed that the policy be renewed with no policy changes; the updated preface to explain this approach and statistics are detailed in red in the draft Statement of Licensing Principles **Appendix A**.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

6.1 There are no climate change implications arising from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no safeguarding and corporate parent implications arising from this report.

8. Financial Implications

8.1 There are no financial implications arising from the report.

9. Recommendations

9.1 Cabinet is recommended to endorse the proposed Statement of Licensing Principles as attached at Appendix A, and to subsequently forward it to Council for final approval and publication in accordance with the regulations.

Background documents

None.