

Guildford Borough Council

Council Report

Date: 22 January 2025

Ward(s) affected: All Wards

Report of the Joint Strategic Director Economy, Planning & Place

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Report Status: Open

Gambling Act 2005: Statement of Principles 2025-28

1. Executive Summary

- 1.1 The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a Statement of Principles every three years. The existing Statement of Principles was published in January 2022 and is due for renewal by January 2025.
- 1.2 The current Statement is due to expire and an updated draft, albeit with no changes, was approved for public consultation by Licensing Committee on 25 September 2024. This report will be presented to the Licensing Committee at its meeting on 15 January 2025 to inform them of the results of the consultation and to ask the Committee to recommend that Full Council approves the draft Statement of Principles at Appendix 1, after considering the consultation responses.

1.3 Details of the Licensing Committee's formal recommendation will be reported to Council on the Supplementary Agenda Pack.

2. Recommendation to Council

2.1 That, subject to the recommendation of the Licensing Committee, the draft Gambling Act 2005 Statement of Principles 2025-28, as set out in Appendix 1 to this report, be approved.

3. Reason for Recommendation:

3.1 To comply with the requirements of the Gambling Act 2005 the Council must prepare and consult on a statement of principles for the period 2025-28.

4. Exemption from Publication:

4.1 This report is not exempt from publication.

5. Purpose of Report

5.1 The report informs the Committee and full Council of the results received during the consultation on the review of the statement of principles. Subject to the recommendation of the Committee, the report asks Full Council to approve the proposed statement of principles, as set out in Appendix 1.

6. Strategic Priorities

6.1 The Council's Licensing function contributes to our fundamental themes as follows:

- **A more sustainable borough**

The licensing process sets standards for licence holders to meet via licensing policy considering the Council's climate emergency and aims to protect the environment so as to ensure the protection and promotion of the environment via the licensing process, balancing the needs of the licensed business community with those of residents of the Borough.

- **A more prosperous borough**

The licensing process supports the local economy by assisting business to comply with the law creating a level playing field for good businesses to thrive. Licensing also ensures that any business needing a licence has one and those licensed businesses are aware of, and compliant with, licensing legislation and promoting the relevant licensing objectives; so as to ensure the safety and wellbeing of employees and the public in licensed establishments and vehicles.

- **A more inclusive borough**

The licensing process helps tackle inequality in communities by promoting a safe and inclusive licensed trade, ensuring customers with a disability are able to use licensed establishments and supporting the employment of local people in local businesses through compliant and prosperous licensed businesses.

- **Decent and affordable homes**

The licensing process ensures a balance between those providing a service regulated by the Council do not do so in a way which disturbs residents in their own homes, contributing positively to local residential communities. The wider regulatory service function also licences Houses in Multiple Occupation and Mobile Home sites to ensure housing standards in these accommodations are maintained.

- **A resilient and well-managed council**

The licensing process serves our residents, businesses, and visitors where there are distinct responsibilities on the Council in its role as the 'licensing authority' under many different areas of licensing. This is not just simply relating to the processing of applications, but also includes:

- setting the local framework through a statement of licensing policy
- considering applications with a view to promoting the licensing objectives under the Licensing and Gambling Acts, or the public protection and economic growth aspects of other licensing regimes.
- undertaking inspection and enforcement activities to ensure conditions of licences are being met, and to ensure that any operator whom requires a licence has one

- maintaining the required statutory registers
- ensuring members of the licensing committee are supported to make decisions on Council Policy or individual applications.

7. Background

- 7.1 The Council is the licensing authority for the purposes of the Gambling Act 2005 (“the Act”) which requires the Council to prepare a Statement of Gambling Principles that it proposes to apply in exercising its functions under the Act.
- 7.2 The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three licensing objectives:
- 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.
- 7.3 The statement of principles balances the right of an applicant to make an application under the Act and to have the application considered on its merits, against the right of any person to make a representation on an application or to seek a review of an existing licence.
- 7.4 An appropriate balance will ensure that gambling businesses are provided with a framework within which to operate whilst providing assurance to the public and protecting children and vulnerable persons.
- 7.5 The Act, however, was designed to be a light touch piece of legislation covering a wide range of licensable activities such as adult gaming centres and betting premises.
- 7.6 The Act specifies that Local Authorities should “aim to permit” gambling, provided it is in accordance with the Code of Practice and

guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by starting out to prevent it altogether.

7.7 The current Statement was adopted by Council in December 2021, with the renewal date being January 2025.

7.8 The current statement was comprehensively reviewed in 2018 to reflect the updated Guidance published by the Gambling Commission (5th Edition, September 2015) and to include a Local Area Profile for Guildford. There has not been any further update in Guidance from the Commission since this publication. As such, there are no changes proposed to the current Policy.

7.9 The Department for Culture, Media and Sport (DCSM) published its gambling white paper back in April 2023 which included proposals for modernising regulation of the land-based sector. Between 26 July 2023 and 4 October 2023 a public consultation was completed regarding key proposals for the sector and 87 responses were received from a range of stakeholders including the industry itself, researchers and members of the public.

7.10 On 16 May 2024, the Government published its conclusions and proposals that will impact the sector throughout Great Britain:

i. Casinos: Providing consistency between different types of casino premises:

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.

Implementation of a maximum gaming machine to table ratio of 5:1 for 1968 Act Casinos and Small 2005 Act Casinos.

Permitting all casino premises to provide betting services, which was previously restricted to 2005 Act casino premises.

ii. 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.

iii. 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.

iv. 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.

v. 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.

7.11 To give effect to the changes, six statutory instruments (regulations) will be laid before Parliament. It was previously understood that DCMS aimed to implement all changes except those related to cashless payments (iii above) in late 2024, although exact timing remains subject to Parliamentary timescales, and this has likely been delayed by the change in Government.

7.12 It is therefore the position that regulations have not be laid, and associated Guidance to Local Licensing Authorities has not been updated before the current Statement of Principles is required to be updated.

8. Consultation

- 8.1 Whilst there are no changes proposed to the Statement of Principles, the Council still has a duty to consult on the revision and it is important that consultation takes place to ensure that the Statement of Principles is clear and transparent for businesses, responsible authorities and the public, and to seek views on any suggestions for amendments that consultees may have.
- 8.2 The legislation specifies those persons and groups with whom the Council has a duty to consult.
- 8.3 On 25 September 2024, the Licensing Committee approved the proposed Statement of Principles, after which Officers followed our consultation standards over a 4-week period to ensure we consult with all the statutory consultees and have:
- Written to the Chief Officer of Police
 - Publicised the consultation on the Council's website
 - Written to or emailed the responsible authorities listed in Appendix B of the Statement of Principles
 - Written to or emailed the consultees listed in Appendix C of the Statement of Principles who are either people representing the interests of persons carrying on gambling businesses or persons who may be affected.
 - Used the Council's website and social media to inform the public of the consultation.
- 8.4 Due to there not being any changes to the Policy, and a further review is likely to be required once any White paper requirements are published and guidance updated, a short 4-week consultation was considered appropriate.
- 8.5 The consultation ran from 11 November 2024 for four weeks during which time one (1) response was received which is shown in full at Appendix 2.
- 8.6 The response from GamCare welcomes the approach in the statement in setting conditions over those mandated. The response

recommends the Council obtain data to ascertain the levels of gambling harm in the Borough and take a public health approach to gambling, include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers.

8.7 In response to the submission from GamCare, resources and the upcoming regulations have not permitted a full review of the Statement at this current time. However, the Local Area Profile does set out locations of gambling and other addiction centres recognising that any gambling premises in the vicinity of these centres will be expected to have measures to protect vulnerable persons. Secondly, Guildford Borough Council is not the Public Health Authority, with this role falling to Surrey County Council who have adopted a Whole Council approach to reducing gambling harms. Additionally, the Act does not recognise Public Health as a licensing objective, which together with the 'aim to permit' limits the licensing authorities' options to adding conditions. However, there is engagement between the Council and colleagues in Public Health who work to reduce gambling harms in Surrey.

8.8 Following consideration of the consultation response received; Officers do not consider any changes to the draft Statement of Principles consulted upon are required.

9. Key Risks

9.1 Not having an up-to-date Statement of Principles is contrary to the duties under the Act and will not assist applicants/licence holders with understanding the Council's expectations and may lead to inconsistent decision making and potential legal challenge to the Council.

10. Financial Implications

10.1 Under the Act, the Council has the power to recover its costs and set fees and charges at such a level that the licensing process is cost neutral to the Council.

10.2 The financial implications associated with the revision of the Statement of Principles can be financed from the Licensing budget.

11. Legal Implications

11.1 Section 349(1) of the Act requires the Council, as licensing authority, to prepare and publish a statement of principles to cover each successive period of three years. Section 349(2) requires the Council to review the statement from time to time, revise the statement if thought necessary as a result of the review and publish the revision before giving effect to it.

11.2 In preparing the statement, the Council must consult the following people for its area:

- The chief officer of police
- People representing the interests of persons carrying on gambling businesses
- Persons who represent the interests of persons who are likely to be affected by the Council exercising its functions under the Act

11.3 Before a statement or revision comes into effect, the regulations require licensing authorities to publish a notice of their intention to publish a statement or revision. The notice must:

- specify the date on which the statement or revision is to be published
- specify the date on which the statement or revision will come into effect
- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected
- be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect:
 - a local newspaper circulating in the area covered by the statement
 - a local newsletter, circular, or similar document circulating in the area covered by the statement

- a public notice board in or near the principal office of the authority
- a public notice board on the premises of public libraries in the area covered by the statement.

11.4 Upon recommendation from the Licensing Committee, the revised Statement of Principles is presented for approval at Full Council.

12. Human Resource Implications

12.1 Provided the Policy is recommended for approval by Licensing Committee, there will not be any additional human resource implications associated with the revision of the Statement of Principles.

13. Equality and Diversity Implications

13.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.

13.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.

13.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.

13.4 There are no equality and diversity implications arising from the review of the Gambling Act Policy, which will be subject to public consultation with all stake holders.

14. Climate Change/Sustainability Implications

14.1 There are no climate change or sustainability implications.

15. Summary of Options

15.1 After considering the report, the consultation responses, and the recommendation from the Licensing Committee, the Council may either:

- approve the draft Policy at Appendix 1 following public consultation, or
- approve the draft with amendments.

16. Conclusion

16.1 The Act requires the Council to review its Statement of Gambling Principles every three years and requires that we consult on the proposed statement of principles. A review of the Statement has been completed and subject of public consultation.

16.2 Following consultation the Licensing Committee, at its meeting on 15 January 2025, will be invited to recommend the adoption of the Statement of Principles at Full Council in order to comply with our statutory duty.

17. Background Papers

[Gambling Act 2005](#)

[Gambling Act 2005 Statement of Principles 2022-25](#)

[Gambling Commission Guidance to licensing authorities 5th edition September 2015](#)

[Gambling Commission – Participation and Perceptions Report
February 2018](#)

[Gambling Regulation: Councillor Handbook – Local Government
Association \(2018\)](#)

18. Appendices

Appendix 1: Guildford Borough Council draft Statement of Gambling
Principles 2025-28

Appendix 2: Consultation Response Received