

Report Title:	RBWM Gambling Act 2005 Statement of Principles – Three-Yearly Review
Contains Confidential or Exempt Information	No - Part 1
Cabinet Member:	Councillor Coe, Cabinet Member for Household & Regulatory Services
Meeting and Date:	Licensing Panel 15 April 2024
Responsible Officer(s):	Andrew Durrant, Executive Director of Place Services & Amanda Gregory, Assistant Director of Housing & Public Protection
Wards affected:	All

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REPORT SUMMARY

RBWM is a licensing authority under the Gambling Act 2005. Under this Act we are required to have a policy setting out how we will exercise our functions under this legislation, in RBWM this is called the RBWM Gambling Act 2005 Statement of Principles.

The Act requires that, every three years, licensing authorities review and republish their policy. This is now due.

A consultation on the existing Statement of Principles has been carried out and an updated and revised version produced. This report seeks the endorsement of the Licensing Panel of this new version before it goes to Full Council for adoption as the RBWM Gambling Act 2005 Statement of Principles 2025 - 2028.

1. DETAILS OF RECOMMENDATION

RECOMMENDATION: That the Licensing Panel notes the report and:

- i) **Recommends to Full Council that the RBWM Gambling Act 2005 Statement of Principles 2025 - 2028 be adopted as RBWM policy with effect from 31 January 2025**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
The Licensing Panel recommends to Full Council that the RBWM Gambling Act 2005 Statement of Principles 2025 - 2028 be adopted with effect from 31 January 2025 This is the recommended option	RBWM would comply with its statutory requirements and provide clear guidance to businesses operating gambling premises in RBWM
The Licensing Panel does not recommend to Full Council that the RBWM Gambling Act 2005 Statement of Principles 2025 - 2028 be adopted	RBWM would not comply with its statutory requirements and would have no framework under which to carry out the licensing of gambling activity

- 2.1 Section 349 of the Gambling Act 2005 (GA05) requires that, every three years, licensing authorities review their policy which sets out the principles that they propose to apply in exercising their functions under this Act. This only applies to gambling premises and not to on-line gambling which is regulated by the Gambling Commission.
- 2.2 This review is now due and a new, revised policy must be ready to come into force on 31 January 2025.
- 2.3 The current policy, The RBWM Gambling Act 2005 Statement of Principles 2022 - 2025 can be found at <https://www.rbwm.gov.uk/home/business-and-economy/licensing-and-regulation/gambling-act-2005-licences>
- 2.4 There are two elements of the review process. Firstly, officers assess whether the current policy is up to date in terms of legislation, statutory guidance and national policy; secondly, a consultation with statutory consultees and other stakeholders is required to ask if the current policy provides a clear, robust and appropriate local policy on gambling premises in RBWM from their point of view, and if not, what changes are necessary.
- 2.5 There have been no changes to legislation since the policy was last reviewed. The last changes to the statutory guidance for local authorities were in April 2021 and they were taken into account in the last three yearly review. The only changes to the guidance since then have been formatting changes.
- 2.6 In April 2023 the government produced a white paper called “High stakes: gambling reform for the digital age”.
<https://www.gov.uk/government/publications/high-stakes-gambling-reform-for-the-digital-age/high-stakes-gambling-reform-for-the-digital-age#chap5>
- 2.7 This sets out proposals for reform in six areas across the gambling trade in the UK. The area that most relates to local authority gambling regulation is “land-based gambling” and there are proposals to introduce cumulative impact assessments for gambling premises (similar to the approach taken under the Licensing Act 2003) when parliamentary time allows, and the government will consult on increasing the maximum fees that local authorities can charge for premises licences and permits. The white paper has no immediate impact on local authorities and therefore does not require any amendments to RBWM policy at this time.
- 2.8 A consultation on the current RBWM policy has been carried out with statutory consultees and other stakeholders as set out in paragraph 2.4. Full details of the consultation are in paragraph 8, below.
- 2.9 In 2023 RBWM introduced the Windsor & Maidenhead Community Lottery to support community projects in the local area. This falls outside of the scope of the RBWM Gambling Act 2005 Statement of Principles as the Lottery, run on behalf of RBWM by a third party company, is certified and overseen by the Gambling Commission. However, the Lottery is now referenced in the proposed new Statement of Principles to ensure that all gambling activity which RBWM is either responsible for regulating, or carries out itself, is covered.

- 2.10 The changes that resulted from the consultation are set out in Appendix C.
- 2.11 The proposed new RBWM Gambling Act 2005 Statement of Principles 2025 - 2028 is Appendix D.
- 2.12 Members of the Licensing Panel are asked to agree the recommendation set out at the start of this report.

3. KEY IMPLICATIONS

- 3.1 As set out in Table 2

Table 2 : Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
RBWM will comply with statutory requirements and provide guidance to service users	Prior to date of adoption of this Policy	From date of adoption of this Policy	n/a	n/a	31/01/2025

4. FINANCIAL DETAILS / VALUE FOR MONEY

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

5. LEGAL IMPLICATIONS

- 5.1 Section 349 of the Gambling Act 2005 requires that, every three years, licensing authorities prepare and publish the principles that they propose to apply in exercising their functions under this Act. Failure to do so would mean RBWM is failing in its statutory duty.

6. RISK MANAGEMENT

- 6.1 As set out in Table 3

Table 3 : Risk Management

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk that RBWM fails to comply with a statutory duty because	Major 3	Very unlikely – only a small chance	There is a GA05 policy in place	The new, updated GA05 policy is being	Minor 1	Very unlikely – only a small chance

no GA05 policy is in place, which could result in RBWM not being able to carry out its duties to regulate gambling premises within its area		this will occur		presented to Council for adoption as RBWM policy		this will occur
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7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix A
- 7.2 Climate change/sustainability. There are no implications of this nature.
- 7.3 Data Protection/GDPR. There are no implications of this nature.

8. CONSULTATION

- 8.1 S.349(3) of the Gambling Act 2005 requires licensing authorities to consult with the following on their policy statement or any subsequent revision:
- in England and Wales, 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;
 - 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
- 8.2 The following bodies were therefore consulted. They were asked if they thought the current policy provided a clear and robust local policy on gambling premises in RBWM sufficient to deal with any problems that they may have identified, and whether they had any supporting evidence that should be taken into account in reviewing this statement of principles;
- Thames Valley Police
 - RBWM Childrens Services
 - RBWM Adult Services
 - RBWM Environmental Protection
 - RBWM Planning
 - Public Health
 - The Gambling Commission
 - HM Revenue and Customs
 - Royal Berkshire Fire & Rescue
 - Gamcare (the leading UK provider of free information, advice and support for anyone harmed by gambling)
 - GambleAware (supports problem gamblers)
 - The trade (Betfred and Coral Head Offices)
 - Town Centre Management

8.3 Residents were consulted via social media platforms, the RBWM website and RBWM Together.

8.4 The organisations who responded were;

- Thames Valley Police
- RBWM Childrens Services
- RBWM Environmental Protection
- RBWM Planning
- Public Health
- GambleAware

8.5 Thames Valley Police and RBWM Childrens Services, Environmental Protection and Planning had no comments to make.

Public Health made some specific suggestions to strengthen the wording in the policy around the right of all people to live without unnecessary and preventable risk to health and safety from gambling products; in connection to local risk assessments and the local area profile; in connection to the location of premises. How these have been incorporated into the text of the updated policy are set out in Appendix C.

8.6 Gamble Aware provided several studies on the effects of gambling generally, but also provided some comparative figures to how rates of gambling harm in RBWM contrast with national rates. These show that rates in RBWM are broadly in line with national figures so is noted for information as Appendix E. However, these figures can be monitored when this policy is next reviewed to see if there have been any comparative changes which might give cause for concern (although these figures include on-line gambling which RBWM has no regulatory control over).

8.7 There were 8 consultation responses from individuals, these are set out in the report in Appendix B.

8.8 Seven respondents were not satisfied with the current policy. Of these, four wanted restrictions of the number of gambling premises in the Borough, but licensing authorities have no powers to limit the number of gambling premises in their area or to prohibit them altogether.

8.9 Two respondents wanted more done to protect children and one said that the policy could go further to protect people from gambling addiction. There has been some strengthening in relation to protecting children based on the input of Public Health, as set out in paragraph 8.6, above, as well as the existing requirements of paragraph 2.13.4. of the policy. There are detailed provisions to protect vulnerable people, including problem gamblers, in paragraph 2.13.6 of the policy

9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 2.

Table 2: Implementation timetable

Date	Details
15/04/2024	Licensing Panel endorses the RBWM Gambling Act 2005 Statement of Principles 2025 - 2028 and recommends it to Council
25/09/2024	RBWM Gambling Act 2005 Statement of Principles 2025 – 2028 goes to Council for adoption as RBWM policy
31 January 2025	New policy comes into force

10. APPENDICES

10.1 There are five appendices:

- Appendix A – Equality Impact Assessment
- Appendix B – Responses to the Public Consultation
- Appendix C – Changes Made to Statement of Principles
- Appendix D – RBWM Gambling Act 2005 Statement of Principles 2025 – 2028
- Appendix E – Gamble Aware RBWM Figures

11. BACKGROUND DOCUMENTS

11.1 The RBWM Gambling Act 2005 Statement of Principles 2022 - 2025 can be found at <https://www.rbwm.gov.uk/home/business-and-economy/licensing-and-regulation/gambling-act-2005-licences>

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officer (or deputy)</i>			
Elizabeth Griffiths	Executive Director of Resources & S151 Officer	26/03/2024	
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	26/03/2024	03/04/2024
<i>Deputies:</i>			
Julian McGowan	Deputy Director of Finance & Deputy S151 Officer	03/04/2024	04/04/2024
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer		
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
N/A			
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
N/A	Data Protection Officer		
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			

Ellen McManus-Fry	Equalities & Engagement Officer	26/03/2024	27/03/2024
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Andrew Durrant	Executive Director of Place	25/03/2024	02/04/2024
<i>Assistant Directors (where relevant)</i>			
Amanda Gregory	Assistant Director of Housing and Public Protection	25/03/2024	28/03/2024
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Household & Regulatory Services (Cllr Coe)	26/03/2024
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Licensing Panel decision	No	No

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