

Three Rivers District Council

# LICENSING COMMITTEE

Review of Gambling Policy 'Statement of Principles 2025 to 2028'

Gambling Act 2005

June 2024

Report Originator	Head of Service sponsor	Date Originated
Lorna Fryer	Kimberley Rowley	16 May 2024
Lead Member Name:	Area of Responsibility:	
CMT Date:	28 May 2024	
JLT Date (if applicable):	10 June 2024	
<b>REASON FOR REPORT</b>		
Reason	JLT/CMT Feedback for Officer and further instructions	Recommendation to JLT/CMT:
Review of Gambling Policy – Committee approval required		
<b>PROPOSED ROUTE FOR FURTHER APPROVAL</b>		
	Date	
Licensing Committee	12 June 2024	
Council (if required)	22 October 2024	

## LICENSING COMMITTEE – 12 JUNE 2024

### Review of Statement of Gambling Principles and Policy

(DoF)

PART I

#### 1 Summary

- 1.1 The review of the ‘Statement of Gambling Principles and Policy (hereafter referred to as “the Policy”) is required at least every 3 years, as set out within Section 349 of The Gambling Act 2005 (“the Act”).
- 1.2 The current policy (**Appendix A**) was amended in 2021, came into force on 14 January 2022 and can be used by Officers when exercising their functions under the Act until 13 January 2025.
- 1.3 This report seeks to consult members of the Committee on the revised draft Policy, in which minor variations are sought, after which a consultation exercise is proposed to follow.
- 1.4 It is also considered that the Council re-consider whether it should continue to put in place a ‘No Casino Resolution’, and if so, include this as part of any consultation exercise. In 2021, the No Casino Resolution was removed.

1.5 The feedback received as a result of the consultation exercise will then be considered by a future Licensing Committee (or the Lead Member in conjunction with the Head of Regulatory Services), prior to a recommendation being made for its formal adoption by Full Council, prior to January 2025.

1.6 The Policy must come into force by 14 January 2025 otherwise the Council will be unable to exercise its function under the Act.

## **2 Details**

2.1 The Gambling Act 2005, which fully came into force on 1 September 2007 introduced a new regime for commercial gambling to be conducted by the Gambling Commission and by Licensing Authorities depending on the matter to be licensed.

2.2 In exercising its functions under the Act the Council must have regard to the three licensing objectives which are set out in Section 1 of the Act, 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, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.3 Under the Act (section 349) it states that a Licensing Authority shall, before each period of three years, prepare and publish a Statement of Principles. The Policy forms the Licensing Authority's mandate for managing local gambling provision (evidence led) and sets out how the Licensing Authority views the local risk environment. The Policy is considered the primary vehicle for setting out the Licensing Authority's approach to regulation having taken into account local circumstances, by ensuring that operators have sufficient awareness and understanding of the relevant Licensing Authority's requirements and approach.

2.4 The Gambling Commission guidance states that Licensing Authorities can complete their own assessment of the local environment as a means of mapping out local areas of concern. These assessments are known as a local area profile (LAP) which can be introduced at any time.

2.5 Within Three Rivers there are currently only 7 betting shops; 2 in South Oxhey, 2 in Rickmansworth, 2 in Abbots Langley and 1 in Croxley Green. On the basis that no concerns have been raised it is not considered necessary to introduce a LAP at this current time.

## **3 Advice to Licensing Authorities and Gambling Act Review**

3.1 Since the last review in 2021, there have been revisions to the Gambling Commission's guidance to Local Authorities (April 2023), highlighted below. However, there were no major changes in advice which needs to be considered as part of this review.

3.2 In April 2023 the Government produced a White Paper 'High stakes: gambling reform for the digital age'<sup>1</sup> on the basis that smartphones had "transformed" gambling. The Secretary of State said the White Paper would update gambling rules and regulations to "protect the most vulnerable while also allowing

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<sup>1</sup> [High stakes: gambling reform for the digital age - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/white-papers/high-stakes-gambling-reform-for-the-digital-age)

everyone else to enjoy gambling without harm”. It sets out proposals for reform in six areas:

- Online gambling
- Marketing and advertising
- The Gambling Commission’s powers and resources
- Dispute resolution and consumer redress
- Children and young adults
- Land-based gambling

3.3 Whilst the reform proposals are not all necessarily relevant to the subject of this Policy review, a link has been provided below to enable members the ability to broaden their understanding of the Government’s current objectives relating to gambling.

3.4 On 15 April 2024, the Commission issued guidance to local authorities advising that each licensing authority is required to renew their Statement of Licensing Policy every 3 years, with the renewal date in this current cycle January 2025. The Commission also stated:

*“Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement.*

*“Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025. Thereafter we will publish a revised GLA which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale.”*

3.5 Whilst the Policy has been reviewed by officers, no significant guidance or legislation changes have occurred since the previous review. Based on the recent guidance from the Commission it would appear that the Policy may need to be reviewed again, post January 2025 to incorporate any new changes to guidance and legislation and this should be added to the work programme to consider in early 2025.

3.6 Notwithstanding the above, the revised Policy puts forward the following suggested changes:

- Change to population data
- Removing COVID 19 regulations
- Minor formatting and grammatical changes
- Addition of Batchworth Community Council to consultation list

#### **4 No Casino Resolution**

- 4.1 Under section 166 of the Act a licensing authority may resolve not to issue casino premises licences. The previous resolution was originally passed in October 2006 and was subsequently removed in 2021.
- 4.2 The resolution may only be taken by the authority as a whole and cannot be delegated to the Licensing Committee. Where a resolution is passed it must be published by the authority in its three-year Statement of Gambling Principles. It can also be for any person or organisation to challenge a no casinos resolution.
- 4.3 The Gambling Commission's Guidance cites that if passed a resolution "must apply to casino premises generally, so that the authority cannot limit its effect to geographic areas or categories of casinos. The resolution must specify the date it comes into effect. The authority may revoke the resolution by passing a counter-resolution (again the whole authority must pass that resolution). The resolution will lapse after three years so, should the licensing authority wish to keep the policy in place, they should pass a resolution every three years."
- 4.4 In passing such a resolution the authority may consider any relevant principles or matters, not just the licensing objectives. In the Gambling Commission's Guidance to Local Authorities, it notes that "licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)." Thus, in passing a resolution it would seem that a wide range of opinion may be considered.
- 4.5 The House of Lords Select Committee report recommended in 2020 that casinos should be regulated under the same system regardless of when their licence was created. The above White Paper details that the size of Britain's land-based casino sector has remained relatively flat in recent years, in contrast to an expanding online market. The number of active licensed premises increased from 148 (2015) to 156 (2020), but the impact of COVID-19 resulted in a number of permanent closures (active licensed premises were 144 in 2022). In 2021/22 (the most recent full year), online casino gross gambling yield was more than five times that of land-based casinos.
- 4.6 By an Order in 2008 the Secretary of State provided which authorities would be permitted to issue the limited number of casino licences, Three Rivers District Council was not one of these and applicants are prohibited from applying for a new casino licence to this authority.
- 4.7 Whilst the Secretary of State can increase the number of Casino Licences available by way of Order then, so long as this Authority did not bid for such additional licences and was not prescribed by an Order as an authority which could grant such licences, applicants would remain prohibited from making Casino applications to the Council unless there was an amendment to the Gambling Act itself. Consequently, there is currently no legal possibility of a licensed casino in Three Rivers. It is however possible that this position could change in the future and there are other Councils with No Casino Resolutions in place for this very reason. None of this of course prevents the Council making a new No Casino Resolution in the future if thought necessary but it is not recommended to re-introduce a No Casinos policy at this time.

## **5 Consultation**

5.1 A public consultation is required as part of the review process and will take place for 6 weeks if agreed, in line with the requirements set out within section 349(3) of the Act.

5.2 The consultation will include the following:

- A press notice will be displayed within the Watford Observer
- Consult 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 person who are likely to be affected by the exercise of the authority's functions under this Act
- All premises in TRDC with a licence/permit issued under the Gambling Act
- Draft revised Policy will be published on the Council's website and circulated via social media platforms.

5.3 A full list of the consultees is set out within Appendix 1 of the revised Policy.

## **6 Options and Reasons for Recommendations**

6.1 There are 3 options available for Members:

### **Option 1:**

- a) Consider the revised Policy found at **Appendix B** (this is a tracked document highlighting the amendments made to the current policy).
- b) Consider whether to include a proposed 'No Casino Resolution' as part of the Policy consultation and seek wider opinion on the granting of such a resolution.
- c) Commence a six-week public consultation process on the revised Policy and any potential No Casino Resolution.
- d) Any response(s) to be circulated to all members of the committee with an officer response. The Head of Regulatory Services, in conjunction with the Lead Member, will then use her discretion following any response(s) received to conclude whether the amended Policy attached to this report can be adopted by Full Council or return to a Licensing Committee.
- e) Consider adding a further review of the Policy to the Licensing Committee work programme in early 2025, subject to guidance/legislation changes.

### **Option 2:**

To delay any consultation of the Policy until relevant guidance has been updated with the Policy presented to a future Licensing Committee later in the year (see implications at section 10).

### **Option 3:**

Not to agree the minor amendments nor consider a “No Casino Resolution”. (see implications at section 10).

## **7 Policy/Budget Reference and Implications**

7.1 The recommendations in this report are within the Council's agreed policy and budgets. Costs associated with the consultation have been subsumed within existing licensing budgets.

## **8 Equal Opportunities Implications**

8.1 An EQIA was completed and impacts to be mitigated through policy adoption.

## **9 Impact Assessment**

9.1 There is no detrimental impact likely towards any protected group from introducing the Policy.

## **10 Legal Implications**

10.1 The Act must be adhered to in this process as well as reference to the [Gambling Commission's Guidance to Local Authorities](#).

10.2 If the draft Statement of Policy is not brought in to force in the time scales outlined above, the Council will not have a policy to work to under the Act. A Statement of Policy sets out the principles of the Council and its expectations in respect of applications and representations made in respect of those applications. The Policy gives general information on how the licensing process will be carried out and indicates the expectations of the Council in assisting it to make its judgements on individual applications, and in carrying out its enforcement role. The policy is therefore vital in the Council's exercise of its powers under the Act.

10.3 Option 2 and 3 have legal implications in that the Council may not be able to adopt the Policy prior to the current policy expiring.

## **11 Financial Implications**

11.1 None specific.

## **12 Community Safety Implications**

12.1 None specific.

## **13 Public Health implications**

13.1 None Specific.

## **14 Customer Services Centre Implications**

14.1 CSC staff will be made aware of the Policy once it comes into force.

## **15 Communications and Website Implications**

15.1 If agreed the Policy will be displayed on the TRDC website and will be published via TRDC social media platforms.

## **16 Risk and Health & Safety Implications**

- 16.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.
- 16.2 The subject of this report is covered by the Regulatory Service Plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat, terminate, transfer)	Risk Rating (combination of likelihood and impact)
<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> (tolerate, treat, terminate, transfer)	<b>Risk Rating</b> (combination of likelihood and impact)
<b>Option 1:</b>	This will ensure the Council is fulfilling its statutory duty under the Gambling Act 2005 in reviewing and adopting its Policy every 3 years.	Members to agree to recommendation provided to ensure it can be adopted well in advance of the expiry of the existing policy.	Treat.	<b>2.</b>
<b>Option 2:</b>	By delaying the review by the relevant committee, there would be limited time to consult and seek agreement by Full Council on the changes before the current policy expires.	Officers to make the necessary changes and bring back to an extraordinary Licensing Committee at the earliest opportunity to avoid its failure in fulfilling its statutory duty to review every three years. The policy is	Treat.	<b>4.</b>



		required to be agreed by Full Council before the end of the year.		
<b>Option 3:</b>	By not to agreeing to review the existing policy the council would be failing in its statutory duty.	Officers to advice against this approach to avoid legal challenges and failure of statutory duty as the policy is required to be reviewed by January 2025.	Treat.	<b>8.</b>

16.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

<b>Very Likely</b> Likelihood Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	<b>Impact</b> Low -----> Unacceptable			

Impact Score

Likelihood Score

4 (Catastrophic)	4 (Very Likely (≥80%))
3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

16.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

## 17 Recommendation

17.1 It is recommended that Members agree to Option 1:

- Consider the revised Policy found at Appendix B (this is a tracked document highlighting the amendments made to the current policy).
- Consider whether to include a proposed 'No Casino Resolution' as part of the Policy consultation and seek wider opinion on the granting of such a resolution.
- Commence a six-week public consultation process on the revised Policy and any potential 'No Casino Resolution'.
- Any response(s) to be circulated to all members of the committee with an officer response. The Head of Regulatory Services, in conjunction with the Lead Member, will then use her discretion following any response(s) received to conclude whether the amended Policy attached to this report can be adopted by Full Council or return to a future Licensing Committee.
- Consider adding a further review of the Policy to the Licensing Committee work programme in early 2025, subject to guidance/legislation changes during 2024.

That public access to the report be immediate.

Committee Decision on Public Access:-

- |    |                             |   |
|----|-----------------------------|---|
| 1. | Public access to report -   | immediate                                       |
| 2. | Public access to report -   | denied until (date): .....                      |
| 3. | Public access to report -   | Council agenda publication                      |
| 4. | Public access to report -   | denied until issue resolved (see future agenda) |
| 5. | Public access to decision - | immediate or Council agenda publication         |

Report prepared by: Lorna Fryer (Lead Licensing Officer)

## Data Quality

Data sources:

- [Gambling Act 2005](#)
- [Gambling \(Licensing and Advertising\) Act 2014](#)
- [GamblingCommission.gov.uk](#)
- [Institute of Licensing](#)

- [High Stakes: Gambling Reform for the Digital Age \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Data checked by: Matthew Roberts, Team Leader, Development Management  
Data rating: Tick

1	Poor	
2	Sufficient	
3	High	X

**Background Papers:**

[High stakes: gambling reform for the digital age - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

**APPENDICES / ATTACHMENTS**

**Appendix A:** Current Statement of Gambling Principles and Policy 2022-2025

**Appendix B:** Changes made to the draft Statement of Policy 2025-2028

**Appendix C:** Clean version of draft Statement of Policy 2025-2028

**Appendix D:** [Statement of Gambling Licensing Policy – A Councillor’s guide](#)

