

Cheltenham Borough Council

Full Council – 21 February 2025

Gambling Act 2005 Statement of Principles

Accountable member:

Councillor Victoria Atherstone, Cabinet Member for Safety and Communities

Accountable officer:

Michelle Bignell, Licensing and Public Protection Manager

Ward(s) affected:

All

Key/Significant Decision: Significant

Executive summary:

The Gambling Act 2005 requires that the authority produce, consult on and publish a Statement of Principles that they propose to apply when exercising their functions under the Act.

The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.

Cheltenham Borough Council published its existing Statement of Principles in 2022.

The Cabinet Member for Safety and Communities, Councillor Victoria Atherstone, has supported that the current policy remains unchanged, for the reasons outlined in 2.5 below, and is re-adopted by authority for a further three-year period or when a review is required.

Recommendations:

- 1. Re-adopt the current Gambling Act 2005 Statement of Principles for a**

further three-year period attached at Appendix 3.

1. Implications

1.1 Financial, Property and Asset implications

There are no financial implications arising from this report.

Signed off by: Ela Jankowska, Finance Business Partner,
Ela.Jankowska@cheltenham.gov.uk

1.2 Legal implications

Section 349 of the Gambling Act 2005 requires the Licensing Authority to produce a Statement of Gambling Principles every three years which it will apply in exercising its functions under the Act during that period.

Signed off by: Sharon Green, Lawyer, One Legal sharon.green@onelegal.org.uk

1.3 Environmental and climate change implications

There are no climate implications arising from this report.

Signed off by: Maizy McCann, Climate Officer, maizy.mccann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity

1.5 Equality, Diversity and Inclusion Implications

Please see attached equality impact assessment in **Appendix 2**.

1.6 Performance management – monitoring and review

1.6.1 The authority must also ensure that they comply with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006). These regulations govern the form statements must take, the procedure to be followed in relation to the preparation, review or revision of statements and the publication of statements.

1.6.2 These regulations require that a Statement is published by being made available for a period of at least 4 weeks before the date on which it will come into effect:

on the authority's website, and

for public inspection in one or more public libraries, or other premises in the Borough, such as the Council Offices.

2 Background

2.1 Cheltenham Borough Council ("the authority") is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.

2.2 The authority must also ensure that they comply with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006). These regulations govern the form statements must take, the procedure to be followed in relation to the preparation, review or revision of statements and the publication of statements.

2.3 These regulations require that a Statement is published by being made available for a period of at least 4 weeks before the date on which it will come into effect:

- on the authority's website,
- and for public inspection in one or more public libraries, or other premises in the Borough, such as the Council Offices.

2.4 The Gambling Commission has published guidance to licensing authorities and the authority has a statutory obligation to have regard to this guidance.

2.5 A review has been undertaken in accordance with the statutory requirements. Given that there have been no substantial changes to legislation and national guidance, there are no proposed changes to the Statement of Principles. Due to this, it is proposed to re-adopt the current policy attached at **Appendix 3** for a further three-year period.

2.6 Central Government are currently consulting on the white paper 'High Stakes: Gambling reform for the digital age' following a review of the Gambling Act 2005. Once their findings have been published in 2025 and, in line with advice from the Gambling Commission (**Appendix 4**), the Statement of Principles will be reviewed again and any changes to the document will be subject to a full consultation with all stakeholders.

3 Gambling Act 2005

3.1 The Gambling Act 2005 is the primary legislation regulating all forms of gambling activity in the UK. Under the Act, gambling is defined as:

- gaming (within the meaning of section 6);
- betting (within the meaning of section 9); and
- participating in a lottery (within the meaning of section 14).

3.2 The Act sets out a number of licensing objectives that the authority is bound by when discharging any of its functions under the Act:

- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- b) ensuring that gambling is conducted in a fair and open way; and
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.3 Section 153 of the 2005 Act (“Principles to be applied”) states that:

In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it—

- a. in accordance with any relevant code of practice under section 24,
- b. in accordance with any relevant guidance issued by the Commission under section 25,
- c. reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- d. in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

4 Reasons for recommendations

4.1 To ensure the authority can effectively meet its obligations under the Gambling Act 2005 in relation to reviewing the Statement of Principles.

5 Alternative options considered

5.1 None.

6 Consultation and feedback

6.1 There were no proposed changes to the revised Statement of Principles other than to amend the date it will take effect, and therefore it was not considered necessary to consult with stakeholders in relation to this minor matter.

6.2 As the decision making process for gambling policy adoption is the

responsibility of Full Council, the Cabinet Member for Safety and Communities is satisfied for this item to be recommended to Full Council for adoption.

7 Key risks

7.1 See Appendix 1.

Report author:

Michelle Bignell, Licensing and Public Protection Manager,
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Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment
- iii. Statement of Principles
- iv. Advice from Gambling Commission

Background information:

1. [Statement of Principles – Adopted 2022](#)
2. [Gambling Act 2005](#)
3. [Gambling Act 2005 \(Licensing Authority Policy Statement\) \(England and Wales\) Regulations 2006 \(S.I 636 of 2006\)](#)
4. [Guidance to Licensing Authorities 4th Edition \(April 2021\)](#)

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	<p>Failure to publish a revised Statement of Principles within the required timescale would leave Cheltenham Borough Council in breach of its statutory obligations.</p> <p>This could lead to legal challenges, costs to the council and adversely affect the council's reputation.</p>	Licensing and Public Protection Manager	2	4	8	Readopt the current policy	Accept	Licensing and Public Protection Manager	Feb 25

Appendix 2: Equality Impact Assessment

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Michelle Bignell	Service Area: Licensing
Title: Licensing and Public Protection Manager	Date of assessment: 30 January 2025
Signature: Michelle Bignell	

b. Is this a policy, function, strategy, service change or project?

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Is this new or existing?

Already exists and is being reviewed

Please specify reason for change or development of policy, function, strategy, service change or project

Statutory requirement to review every 3 years

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

The authority is required by the Gambling Act 2005 to publish a Statement of Principles ("Statement") which they propose to apply when exercising their functions. This Statement must be published at least every three years. The Statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The Statement must be then republished.

To ensure that the statement of the principles sets out how Cheltenham Borough Council will exercise its functions under the Act.

Objectives:	To ensure that Cheltenham Borough Council comply with the three-year review requirement set out in S.349 of the Gambling Act 2005.
Outcomes:	Cheltenham Borough Council's Statement of Principles will be compliant with the Gambling Act 2005.
Benefits:	There is no risk of challenge for an out-of-date policy.

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

Yes

Do you expect the impacts to be positive or negative?

Positive

Please provide an explanation for your answer:

To ensure that licensed premises deliver the three licensing objectives of the Gambling Act 2005:

- 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.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate	
Stage Two required	Yes
Owner of Stage Two assessment	Michelle Bignell
Completion date for Stage Two assessment	30.01.25