

TITLE	Draft Statement of Gambling Principles
FOR CONSIDERATION BY	Licensing and Appeals Committee 23 June 2021
WARD	None Specific
LEAD OFFICER	Sean Murphy, Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY

This Statement of Principles has to be published in accordance with s349 of Gambling Act 2005 and is required to set out the principles that the licensing authority proposes to apply when exercising its functions under the Act. The licensing authority must publish its Statement of Principles at least every three years.

The Council is required to undergo a period of consultation on the draft Statement of Principles to establish local issues of concern and to address those concerns as far as appropriate within the statement.

The report will therefore ensure that the views of the local community are considered in the preparation of this document.

RECOMMENDATION

1. That the draft revised Statement of Gambling Principles prepared under Section 349 of the Gambling Act 2005 as appended to this report be approved for consultation.
2. That the Public Protection Manager is authorised to proceed with formal consultation for the twelve week period between the 07 July 2021 and 29 September 2021.
3. That the parties as set out in paragraph 9 of the report and any identified at the meeting be consulted.
4. That any comments on the revised Statement be brought to the 20 October 2021 Licensing and Appeals Committee meeting for discussion prior to the report being formally presented for adoption at the 18 November 2021 Council meeting.

SUMMARY OF REPORT

Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. The Statement lasts for a maximum of three years and can be reviewed and revised by the authority at any time.

The present Statement was published on 31 January 2019 and therefore must undergo a review and be republished on or before 31 January 2022. The Council is required to undertake a consultation exercise in respect of any revisions to the policy.

Once published, the revised Statement shall be valid between 31 January 2022 and 31 January 2025.

This report seeks comments from the Licensing and Appeals Committee on the revised draft Statement prior to consultation and also confirmation of the organisations to be consulted and the timescales to be applied to the consultation.

Background

1. The Gambling Act 2005 (hereafter referred to as the Act) removed from the Magistrates' Court all responsibility for granting gaming and betting permissions. It introduced the Gambling Commission, which, with alongside licensing authorities, assumed a shared responsibility for all matters previously regulated by Magistrates.
2. Licensing Authorities have powers to licence gambling premises within their area, as well as undertaking functions in relation to lower stake gambling machines and clubs. The Act also provides for a system of Temporary Use Notices which authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for strictly limited periods.
3. Licensing Authorities licence gambling premises and issue a range of permits to authorise other gambling facilities in their area. In exercising their functions generally under the Act, Licensing Authorities must have regards to the guidance issued by the Commission with respect to their licensees, including the power to impose conditions and to review licences.
4. Section 349 of the Act requires Councils on or before each successive period of three years, to prepare a statement of the principles that they propose to apply in the exercise of their functions under the Act (the "Policy Statement") and to publish that policy statement. The current Statement of Principles expires in January 2022.
5. In formulating the statement, the Authority must have regard to the Gambling Act guidance issued by the Gambling Commission and the responses from those consulted on the policy. The statement, once adopted, will be the guiding principle for use by Members and officers when applying the Act.
6. The statement must be particular to the local authority and be formulated to achieve the government's three core aims of:
 - Preventing gambling from being a source of crime and disorder, being associated with crime and 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. The Council must undergo a period of consultation on the draft Statement of Principles to establish local issues of concern and to address those concerns as far as appropriate within the statement.
8. The public consultation period will last for twelve weeks between 07 July 2021 and 29th September 2021.

9. A wide range of stakeholders will be contacted as part of the consultation, including:
- Thames Valley Police
 - Royal Berkshire Fire and Rescue Service
 - Environmental Health
 - Health and Safety Executive
 - Gambling Commission
 - Wokingham Safeguarding Children Board
 - Wokingham Safeguarding Adults Board
 - Public Health
 - Health and Wellbeing Board
 - Building Control
 - and other interested bodies.
10. The comments received during the consultation will be fed back to the Licensing and Appeals Committee at the 20 October 2021 meeting. Members will be asked to identify any changes that they would like to make to the policy arising from the consultation. They will then recommend a policy to full Council for approval.

Analysis of Issues

11. There has been very little change when compared to the previous iteration of this policy. A section on small society lotteries has been added and the policy has been amended to make it compliant with the current legislation and regulations as well as making it consistent with the very recent updates to the guidance to licensing authorities published by the Gambling Commission.
12. The opportunity has also been taken to provide some additional information in order to assist anyone reading the policies to understand the various sections. The general aim of the review was to ensure that the policy is both up-to-date and informative.

Proposals

13. That the Licensing and Appeals Committee approves the draft revised Statement at Appendix A for consultation.

Conclusion

14. There is a mandatory duty on the Council to consult on and publish a revised statement and the substantive policy objectives being proposed are considered to be in the best interests of the Community, the Council and the trade. A public consultation will be undertaken to inform the process.

Other options considered

To run the consultation period for six weeks.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/a	N/a	N/a
Next Financial Year (Year 2)	N/a	N/a	N/a
Following Financial Year (Year 3)	N/a	N/a	N/a

Other financial information relevant to the Recommendation/Decision

There are no financial implications associated with this report. The compilation of the documents and the ensuing consultation will be met from within the existing budgets.

Cross-Council Implications

It is a statutory obligation to have a Policy in place.

Public Sector Equality Duty

Please confirm that due regard to the Public Sector Equality Duty has been taken and if an equalities assessment has been completed or explain why an equalities assessment is not required.

This report relates only to the requirement for consultation on the Gambling Statement of Principles. Should consultees or elected members require documents in alternative format, this will be provided on request.

List of Background Papers

The Gambling Act 2005

[Guidance to licensing authorities - Gambling Commission](#)

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