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| <b>TITLE</b>                | <b>Adoption of the Statement of Gambling Principles</b> |
| <b>FOR CONSIDERATION BY</b> | Council on 18 November 2021                             |
| <b>WARD</b>                 | None Specific   |
| <b>LEAD OFFICER</b>         | Sean Murphy (Public Protection Manager)                 |

## **OUTCOME / BENEFITS TO THE COMMUNITY**

To consider the responses received during the consultation period and adopt the amended Statement of Licensing Policy Principles under the Gambling Act 2005 (hereafter referred to as The Statement) as set out in Appendix 1.

## **RECOMMENDATION**

That Council

- 1) Considers the Statement of Gambling Principles and the consultation responses received.
- 2) Approves the Statement of Gambling Principles for adoption and publication by the 31st January 2022.

## **SUMMARY OF REPORT**

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 current Statement is due to expire in January 2022.

The purpose of the Statement is to guide the administration of licensing under the Act and will assist in ensuring that an appropriate balance is drawn between the interests of those wishing to provide and take part in legal gambling, and those who might be affected by such activities. The Council continues to work with the Police, licence holders, responsible authorities and other agencies to achieve this objective.

Under the Act, the licensing authority is required to consult a number parties as a minimum before finalising its Statement. The consultation, which was undertaken between the 07 July 2021 and 29 September 2021, has now been concluded and the responses collated and the proposed amendments are set out in the report.

The outcome of the consultation was considered at the Licensing and Appeals Committee on the 20 October 2021 who, subject to the inclusion of amendments proposed at the meeting, recommended to Full Council that the revised Statement of Gambling Principles be adopted.

## Background

- 1.1 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, alongside licensing authorities, assumed a shared responsibility for all matters previously regulated by Magistrates.
- 1.2 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.
- 1.3 The Act requires the Council to prepare, adopt and publish a "Statement of Principles" setting out the Licensing Authority's approach to applications under the Act and the information it expects applicants to provide at least every three years.
- 1.4 The current Gambling Statement of Licensing Policy Principles was adopted at the Full Council meeting on 20 September 2018 and was published and came into effect 31 January 2019. The Statement must therefore be revised and republished by the 30 January 2022.
- 1.5 The purpose of the Statement is to guide the administration of licensing under the Act and will assist in ensuring that an appropriate balance is drawn between the interests of those wishing to provide and take part in legal gambling, and those who might be affected by such activities. The Council continues to work with the Police, licence holders, responsible authorities and other agencies to achieve this objective.
- 1.6 The Act contains three licensing objectives that underpin the functions that the Licensing Authorities perform and which are central to the regulatory regime. They are:
  - I. preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
  - II. ensuring that gambling is conducted in a fair and open way;
  - III. protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.7 By September 2021 Wokingham had issued one Club Gaming Permit, three Club Gaming Machine Permits, 84 Small Society Lottery Licences, thirteen Alcohol Licenced Premises Gaming Machine Permits, sixty five licences for fewer than two gaming machines and six Gambling Premises Licences. Over the past five years no objections had been received to these applications and no reviews of licences had been called for.

## 2. REVIEW OF STATEMENT OF PRINCIPLES

- 2.1 Specialist lawyers on behalf of the Public Protection Service reviewed the existing Statement. Minor changes were proposed when compared to the previous iteration of the report. A section on small society lotteries was added and the policy was amended to bring it in line with the current legislative framework as well as making it consistent with the very recent updates to the guidance to licensing authorities published by the Gambling Commission. Some additional information was included in order to assist anyone reading the policies to understand the various sections as the general aim of the review was to ensure that the policy was both up-to-date and informative.
- 2.2 The Draft Statement was presented to the Licensing and Appeals Committee at the 23 June 2021 meeting. A number of minor changes were requested at this meeting prior to it being issued for consultation. These changes included some changes to the layout of the Scheme of Delegation, a change to the wording on interested parties and clarification about the fact that contact details would be made public.
- 2.3 The Licensing and Appeals Committee agreed that the statutory consultation on the Draft Statement would last for 12 weeks between 07 July 2021 and 29 September 2021. A public notice was placed in the Wokingham Today newspaper on the 08 July 2021. Information was also placed on the Wokingham Borough and Public Protection Partnership website.
- 2.4 Letters or email were also sent to:
- Association of Licensed Multiple Retailers
  - Association of British Bookmakers
  - Bingo Association
  - Building Control
  - British Amusement Catering Trade Association
  - British Beer and Pub Association
  - British Institute of Inn Keeping
  - Environmental Health
  - Gambling Commission
  - Gamblers Anonymous
  - GAMCARE
  - Health and Safety Executive
  - Health and Wellbeing Board
  - HM Revenue and Customs Public Health
  - Holders of existing gambling licences / permits
  - National Association of Bookmakers
  - Parish and Town Councils
  - Royal Berkshire Fire and Rescue Service
  - Thames Valley Police
  - Wokingham Safeguarding Children Board
  - Wokingham Safeguarding Adults Board
  - Wokingham Borough Citizens Panel
  - Wokingham Borough Council Planning
  - Wokingham Borough Council Environmental Health
  - Wokingham Safeguarding Children Board
  - Elected Members

2,5 Responses to the consultation received are set out in Appendix 2 to the report . The number of responses was very low which could indicate that those consulted were in agreement with the content.

### 3. KEY CHANGES TO THE DRAFT STATEMENT FOLLOWING THE CONSULTATION

3.1 The Licensing and Appeals Committee, at their 20 October 2021 Committee meeting, considered the consultation responses. They recommended a number of additional amendments to the Statement and these are set out below

- The reference to the Mental Capacity Act 2005 has been set out in full.
- the changes suggested by the Head of Adult Safeguarding as part of the consultation were incorporated into the report . The amendment to the definition of "vulnerable persons" has been made by way of an addition to the Statement as the quotation could not be reworded.
- The expression "vulnerable persons" has been added to the glossary.

3.2 The Licensing and Appeals Committee recommended that, subject to the inclusion of the amendments requested at the meeting, Council adopt the Statement and that it be published by the end of January 2022.

### 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)   | £0                            | Yes   |                     |
| Next Financial Year (Year 2)      | £0                            | Yes   |                     |
| Following Financial Year (Year 3) | £0                            | Yes   |                     |

#### **Other financial information relevant to the Recommendation/Decision**

All costs associated with the consultation were met from within the existing PPP budget

#### **Public Sector Equality Duty**

Due regard to the Public Sector Equality Duty has been taken

#### **Appendices:**

Appendix 1 – Draft Statement of Gambling Principles

Appendix 2 – Responses to the Consultation

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