

| | |
|-----------------------------|--|
| TITLE | Licensing of Gambling |
| FOR CONSIDERATION BY | Licensing and Appeals Committee on 30 January 2023 |
| WARD | None Specific |
| LEAD OFFICER | Director, Place and Growth - Steve Moore |

OUTCOME / BENEFITS TO THE COMMUNITY

Local authorities are responsible for issuing gambling premises licences, monitoring compliance with the terms of these licences and the wider Gambling Act 2005, and taking enforcement action if necessary, and are required to have regard to the Gambling Act's licensing objectives, one of which is protecting children and other people from being harmed or exploited by gambling.

RECOMMENDATION

That the Committee notes the report and **DECIDES** that officers should develop an updated Statement of Policy in relation to gambling regulation, for consideration at a future meeting of this Committee.

SUMMARY OF REPORT

Licensing Authorities are required to develop a policy which is an overarching statement of principles setting out how they will approach gambling regulation.

In doing so it must comply with s349 of the 2005 Act, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006/636) and the Statutory Guidance issued by the Gambling Commission.

It is also recommended by the Local Government Association to:

- undertake an up to date local area profile in relation to gambling related harms
- set out expectations of local gambling operators and risk assessment processes
- undertake compliance visits and use enforcement tools appropriately
- undertake underage sales testing
- encourage local gambling businesses to apply for Gamcare certification for best in class player protection policies and undertake the Gamcare training courses

Background

1. At the meeting of Licensing and Appeals Committee on 19 October 2022, it was decided to discuss the licensing of gambling, with a view to potentially finding ways to protect vulnerable people.
2. The Local Government Association (LGA) has provided a Councillor Handbook which is a comprehensive guide to Licensing Authority functions in respect of gambling. A link is provided at **Appendix A**.
3. The LGA has also produced a guide to Local Authorities on tackling gambling related harm. The guide is a whole Council approach including planning, social services, and public health. A link is provided at **Appendix B**. Attention is drawn to pages 15-20 in that document “How councils’ regulatory tools can help tackle gambling-related harm” which includes the role of the Licensing Authority and the Planning Authority.
4. Research ¹ suggests that gambling premises tend to be more common in deprived areas with 21% of gambling premises nationwide based within the most deprived areas in the country, compared to just 2% in the least deprived areas.

Analysis of Issues

5. Licensing Authorities are:
 - a. required to develop an overarching statement of principles (referred to as the Statement of Policy) setting out how they will approach gambling regulation in their areas
 - b. responsible for issuing gambling premises licences, monitoring compliance with the terms of these licences and the wider Gambling Act 2005, and taking enforcement action if necessary
 - c. required to have regard to the Gambling Act’s licensing objectives,
 - i. preventing gambling from being a source of crime or disorder
 - 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
 - d. required to ignore planning issues when determining licensing issues.
6. Wokingham Borough currently has 5 licensed betting premises and 17 premises with one or more licenced gaming machines. By way of context, this is approximately one betting shop per 35,000 population, which puts Wokingham towards the lower end of the national scale where the population ratios range from 4,000 (mostly urban areas and cities) to 65,000 where the area only has one or two betting shops.

¹ The Geography Of Gambling Premises In Britain: University of Bristol / Standard Life Foundation July 2021

Licensing Statement of Policy, local area profile and risk assessments

7. The Gambling Commission and LGA encourage Licensing Authorities to produce a local area profile which should identify different parts of the local area where there may be greater or specific risks of gambling related harm, whether because of:
 - a. people likely to be in that area (for example, where there is a treatment centre or hostel)
 - b. other types of businesses in the area, for example in an area with a vibrant night time economy, or where there are already multiple gambling premises
 - c. characteristics of an area (for example, if there are pre-existing issues with anti-social behaviour or crime).

8. Licensing Authorities can use local knowledge to identify relevant issues and premises but requiring specific licence conditions or refusing an application for a licence will be for the sub-committees to decide on a case by case basis. An Authority cannot introduce a presumption to prevent a licence being granted as it clashes with the statutory presumption to grant under s153, where it states that Authorities are required to “aim to permit” the use of a premises for gambling if it is consistent with the licensing objectives.

9. The Statement of Policy and local area profile are intended to help prevent gambling related harm occurring. They provide an opportunity to set out the local approach to gambling regulation, expectations of gambling operators and specific local circumstances. A consultation process is required to update statements of policy, with those who may have an insight or relevant data on any local risks or issues, including:
 - a. the Police
 - b. organisations working with people who are problem gamblers, such as Gamcare and family support groups
 - c. advocacy organisations, such as the Citizen’s Advice Bureau
 - d. homelessness and housing services
 - e. local public and mental health teams and safeguarding boards
 - f. local businesses

10. Authorities should also use their Statements of Policy to identify what they expect gambling operators to do to uphold the licensing objectives. Gambling businesses are required to undertake risk assessments for each of their premises. Risk assessments are not required to be shared with licensing authorities (unless a business is applying for a new premises licence or to vary an existing one) but authorities can ask to receive copies of them and can require that they are kept on the relevant premises. This is a good way to check that the assessments are locally tailored and owned by premises managers rather than being a tick box exercise undertaken by regional or head office.

Compliance and Enforcement

11. Statements of Policy must set out how authorities will exercise their inspection functions, including inspection activity (and what pre-planned visits will cover), test purchasing operations and dealing with non-compliance. There are a number of issues in relation to harmful gambling which authorities may wish to review during pre-planned or proactive compliance visits:
 - a. details of training policies and training undertaken by staff
 - b. records of refusals to serve or admit
 - c. how the premises fulfils the requirement to participate in multi-operator schemes and numbers of people currently self-excluded
 - d. involvement or impact of any local schemes, such as Betwatch
 - e. confirming that appropriate signage and information is in place

12. Many councils operate under-age test purchasing through trading standards and licensing teams, particularly in response to complaints or intelligence. Larger operators are now responsible for conducting or taking part in under-age testing and sharing these results with the Gambling Commission. Licensing authorities may choose to ask for copies of test purchasing results as part of their local risk assessment expectations and use this evidence to help target their own activity in this area.

13. Authorities should have a plan in place for dealing with test purchase failures, for example, requiring a premises to undertake certain measures to address this and undergo a follow-up test within a specified amount of time. A second failure would be expected to lead to enforcement action.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and 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 | | |
| Next Financial Year (Year 2) | £0 | | |
| Following Financial Year (Year 3) | £0 | | |

| |
|--|
| <p>Other financial information relevant to the Recommendation/Decision</p> <p>On the assumption that all work undertaken in updating the Statement of Policy in relation to gambling regulation is carried out by existing staff, there will be no financial implications from what is proposed in this report.</p> <p>However, it is worth noting that a detailed local area profile would take time and resources to undertake. Resource allocation needs to take into account priorities for licensing regulation in respect of licensable activities other than gambling, and the number of betting premises in the borough and the risk they present.</p> <p>Should any update to the Statement of Policy result in increased compliance visits and test purchasing that is likely to require additional officer resources. Any such financial impact will form part of the updated and be raised at that point in time.</p> |
|--|

| |
|---|
| <p>Cross-Council Implications (how does this decision impact on other Council services, including properties and priorities?)</p> <p>Gambling related harms to individuals and families may have impact on several Council services, such as Children’s Safeguarding, Public Health, Offender Management, Development Control.</p> |
|---|

| |
|---|
| <p>Public Sector Equality Duty</p> <p>Due regard to the Public Sector Equality Duty will be taken in the development of this policy so that it does not have any adverse impact, and seeks to promote business alongside the balance of upholding the licensing objectives, best practice, and statutory guidance. An Equalities Impact Assessment will be undertaken during the consultation phase.</p> |
|---|

| |
|--|
| <p>Climate Emergency – <i>This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030</i></p> <p>There is no identifiable impact on the Council’s carbon neutral objective.</p> |
|--|

| |
|---|
| <p>Reasons for considering the report in Part 2</p> <p>n/a</p> |
|---|

| |
|---|
| <p>List of Background Papers</p> <p>Appendix A Gambling regulation: Councillor handbook (England and Wales) Local Government Association</p> <p>Appendix B Tackling gambling related harm a whole council approach (local.gov.uk)</p> <p>Statutory Guidance issued by the Gambling Commission</p> <p>The Geography Of Gambling Premises In Britain: University of Bristol / Standard Life Foundation July 2021</p> |
|---|

| | |
|---|--|
| <p>Contact Keiran Hinchliffe</p> <p>Telephone No 07933 172882</p> | <p>Service Place & Growth</p> <p>Email ed.shaylor@wokingham.gov.uk</p> |
|---|--|

This page is intentionally left blank