

Statutory Licensing Committee

10 November 2021

Report title	Gambling Policy Review	
Wards affected	All	
Accountable director	Ross Cook, Director for City Housing and Environment	
Originating service	Licensing	
Accountable employee	Paul Dosanjh	Service Manager: Trading Standards & Licensing Act
	Tel	01902 556056
	Email	Paul.Dosanjh@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendations for decision:

The Statutory Licensing Committee is recommended to:

1. Approve the proposed draft Statement of Gambling Policy (2022-2025). Appendix 1
2. Require Licensing Services to undertake a 12-week consultation of the draft Statement of Gambling Policy proposal.

Recommendation for note:

The Statutory Licensing Committee is recommended to note:

1. A further paper, setting out the consultation responses and subsequent amendments, will be laid before Statutory Licensing Committee in January 2022 for consideration, prior to adoption by full Council in April 2022.

1.0 Purpose

- 1.1 To obtain the Statutory Licensing Committee's approval for the proposed changes to the existing Statement of Gambling Policy and agree a process of consultation and consequent review of the Statement of Gambling Policy (2022-2025).
- 1.2 An indicative timetable for the review and adoption is set out below. It is proposed to ask consultees to comment on a draft of the 2022-2025 policy.

2.0 Background

- 2.1 The Gambling Act 2005 regulates the provision of gambling in Great Britain, other than the National Lottery and spread betting. The Act makes local authorities responsible for licensing premises that are used for gambling within their area.

The Council is empowered under the 2005 Act to carry out the following activities in relation to land based gambling:

- issuing Premises Licences where gambling activities are to take place
- issuing Provisional Statements to potential licences in relation to the likelihood of unconstructed premises to obtain a licence
- regulating members' clubs and miner's welfare institutes via issuing Club Gaming Permits and/or Club Machine Permits
- issuing Club Machine Permits to Commercial Clubs
- granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- receiving notifications from alcohol licensed premises (as delivered by the Licensing Act 2003) for the use of two or fewer gaming machines
- issuing Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits
- receiving and endorsing Temporary Use Notices
- receiving Occasional Use Notices
- providing information to the Gambling Commission regarding details of licences issued
- maintaining registers of the permits and licences that are issued under these functions

- 2.2 Examples of land-based gambling establishments are bingo halls, bookmakers, amusement arcades and public houses with gaming machines. Licensing authorities are not involved in licensing remote (e.g. online) gambling as falls to the Gambling Commission.
- 2.3 The Gambling Commission's role is to regulate gambling in the public interest. The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally. The Commission also regulates online gambling and provides guidance on the 2005 Act to the Gambling Commission.

2.4 The 2005 Act also requires each local authority to adopt and publish a 'Statement of Gambling Policy' at least every three years. Wolverhampton's last policy was issued in 2019 and so liable to review. The purpose of the policy is to set out the principles that the local authority will apply when carrying out its role under the Act.

The Policy is an explicit statement of the local authorities' commitment that in exercising its functions the Council will have regard to the licensing objectives as set out in 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling

2.5 Whilst the policy is a public statement of the Council's approach to regulating gambling in its area it is not a pre-requisite for the day-to-day administration of licenses and inspections which are carried out by Licensing Officers.

2.6 In line with other authorities and the requirements of the 2005 Act this Council has produced draft policy which will be subject to a full consultation

3.0 Proposal

3.1 The draft policy for 2022-2025 which has very few changes from the current policy. Many of the changes are to the references to the paragraphs of the Gambling Commission Guidance for Licensing Authorities document which was updated in May 2021

3.2 One significant change is that addition of tables which provide a breakdown of gambling establishments on a ward-by-ward basis to give a more in-depth Local Area Profile. This enables a more rounded assessment of the provision of gambling establishments and makes for ease of comparison with other information such as indices of deprivation, and crime so that both applicants and the authority can consider if additional control measures are appropriate before a licence or permission is granted

3.3 Licensing Services will consult with the Gambling Commission, HMRC, all Responsible Authorities, local trade representatives and persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

3.4 The consultation shall be through the Council's consultation hub which is accessed via the council website where respondents will be able to make comments for consideration. The consultation period will last for 12 weeks to allow for adequate time for comment, reflection and, if necessary, consolidation into the new policy. Subject to this Committee's agreement the consultation will commence on 11th November 2021.

3.5 The redrafted policy will then be brought to this committee in January 2022, then onto Full Council in March 2022. Under the Council's procedures the policy must be approved at a meeting of the Full Council.

4.0 Financial implications

4.1 There are no additional financial implications of conducting this review of the policy and to the Council approving the policy in 2022. Any additional work will be included in day to day activity and the cost in officer time will be met through existing budgetary provision.

[SB/01112021/F]

5.0 Legal implications

5.1 There are no legal implications as the legislative regime which requires this policy to be reviewed has remained unchanged since the Act came into force in 2005.

[JB/26102021/C]

6.0 Equalities implications

6.1 There are no equalities implications arising from this report as it merely seeks to prompt consultation and not to decide on an outcome. The draft policy that will be circulated is merely a document around which consultative debate can occur

7.0 All other Implications

7.1 This report poses no implications for climate change and environmental, Human Resources, Corporate Landlord, Health and Wellbeing nor any implications that have arisen from the Covid-19 Pandemic.

8.0 Appendices

8.1 Appendix 1 - Draft Statement of Gambling Policy (2022-2025)