

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Committee

16<sup>th</sup> March 2022

<b>Report title</b>	Gambling Act Policy	
<b>Wards affected</b>	All	
<b>Accountable director</b>	John Roseblade, Director of City Housing and Environment	
<b>Originating service</b>	Licensing	
<b>Accountable employee</b>	Paul Dosanjh	Service Manager: Trading Standards and Licensing Act
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<b>Report to be considered by</b>	Council	6 April 2022

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## Recommendation for decision:

The Statutory Licensing Committee is recommended to:

1. Approve the draft Statement of Gambling Policy (2022-2025) and recommend it be presented for adoption at Full Council.

## **1.0 Purpose**

- 1.1 Statutory Licensing Committee is asked to approve the draft Gambling Act Policy, following full public consultation and recommend it is presented to full Council for adoption.

## **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.
- 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 Licensing Services consulted with the West Midlands Police; Her Majesty's Revenue and Customs and local trade representatives through a link on the Council's website where respondents will be able to make comments on the draft policy for consideration. The consultation period lasted for 12 weeks to allow for adequate time for comment, reflection and, if necessary, consolidation into the new policy.

2.7 Through the Consultations Hub on the corporate website the draft policy was made available, and 16 bodies were specifically referred to the consultation by direct e-mail.

### **3.0 Progress**

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 There were no changes as a result of the consultation as it yielded no comments for consideration. The statutory licensing committee report relating to consultation can be found at Appendix 1 of the Gambling Policy Review from Statutory Licensing Committee held on 10 November 2021:

<https://wolverhampton.moderngov.co.uk/documents/s191268/Appendix%201%20for%20Gambling%20Policy%20review.pdf>

3.3 The sole significant change that the draft policy has over the existing one 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.

### **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 is considered to be day to day activity and so the cost in officer time will be met through existing budgetary provision.

[SB/24022022/Y]

### **5.0 Legal implications**

5.1 There are no direct legal implications in this report. Section 349 of the Gambling Act 2005 requires a licensing authority to prepare, review and where necessary revise from time to time a statement of the principles that they propose to apply in exercising their functions under the Act. as the legislative regime which requires this policy to be reviewed has remained unchanged since the Act came into force in 2005.

[JB/23032022/B]

### **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 was circulated is merely a document around which consultative debate can occur.

## **7.0 All other Implications**

7.1 This report poses no direct 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: Proposed Statement of Gambling Policy (2022-2025)