

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

14 DECEMBER 2021

### REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

#### GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES 2022-2025

#### 1. Purpose of report

- 1.1 The purpose of this report is to ask Cabinet to endorse the publication of the Council's Statement of Licensing Principles for the next triennial period 2022 to 2025, and to forward to Council for approval and publication in accordance with the regulations.

#### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This proposal is a regulatory function which is required to effectively discharge the functions of the authority under the Gambling Act 2005 and as such has no link to the corporate well-being objectives.

#### 3. Background

- 3.1 The Gambling Commission is the unified regulator for gambling in Great Britain and it is responsible for granting operating and personal licences for commercial gambling operators. However, the responsibility for licensing land based premises, as well as functions in relation to issuing permits and registrations, rests with local authorities. The Gambling Commission issues statutory Guidance on the manner in which local authorities are to exercise their functions under the Gambling Act 2005.
- 3.2 The Council, as a licensing authority, must publish, on a three year basis, a Statement of Licensing Principles governing the policy, regulation and decision making process relating to gambling premises. A formal consultation must be undertaken before a new statement is published.
- 3.3 This report outlines the response to the consultation and makes recommendations for revisions to the Statement of Licensing Policy, the approval of which is a Council function. The proposed amendments are shown highlighted in red within the document in **Appendix A**. The review has taken into account the unprecedented impact of the Coronavirus pandemic on businesses which provide gambling facilities.
- 3.4 The Council as a licensing authority carries out a number of regulatory functions including to:
- licence premises for gambling activities (betting shops, bingo, adult gaming centres)

- grant permits for gaming and gaming machines in clubs and miners' welfare institutes
- regulate gaming and gaming machines in alcohol-licensed premises
- grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
- consider occasional use notices for betting at tracks
- register small societies' lotteries.

3.5 The Act sets out three licensing objectives which are central to regulating gambling. These are:

- 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.

3.6 The authority cannot take into account other considerations such as moral or ethical objections to gambling. In addition, the Council has no powers to regulate remote or online gambling and cannot therefore adopt policy guidelines in respect of online gambling via the internet, telephone or television.

3.7 The Council's primary obligation under Section 153 (1) of the Gambling Act 2005 is to permit the use of premises for gambling insofar as it thinks that to do so is:

- a) In accordance with relevant codes of practice issued by the Gambling Commission;
- b) In accordance with guidance issued by the Commission;
- c) Reasonably consistent with the licensing objectives; and
- d) In accordance with the Licensing Authority Statement of Policy subject to a) to c) above:

The Guidance also emphasises that in seeking to encourage consistency across licensing areas, the Commission does not seek to fetter the discretion that authorities have under the Act to make decisions which reflect local circumstances.

#### **4. Current situation/proposal**

4.1 In normal circumstances, it would be possible to review trends and issues which may inform future policy development. However, the period 2020-2021 has seen unprecedented measures in place with gambling premises subject to lockdown. In addition, in December 2020 the Minister for Sport, Tourism and Heritage announced a Review of the Gambling Act 2005 Terms of Reference and Call for Evidence which overlaps with the current three-year review process.

4.2 The tri-ennial review of the Statement of Licensing Principles must still be undertaken, but in the light of the impact of the pandemic on premises, the absence of the

reporting of local trends, and the impending review, it was felt that a more balanced review could be undertaken in 2022 to assess the impact on businesses and whether any policy changes are necessary. The approach was set out in the consultation document and a copy of the draft Statement of Principles is attached at **Appendix A**.

- 4.3 The consultation was published on the Council's website between 6 August 2021 and 10 September 2021 and notice given to:
- Responsible authorities including police, safeguarding and community safety
  - Trade representatives
  - Problem Gambling Organisations
  - Bridgend County Borough Council Members
  - Town and Community Councils
- 4.4 A response was received from Gosschalks Solicitors who act for The Betting and Gaming Council (BGC), which was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Gosschalks response outlines that the mission of the BGC is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers. A copy of the response is attached at **Appendix B**.
- 4.5 The response seeks one amendment which relates to redundant terminology which is no longer used within the Gambling Commission's statutory guidance to local authorities:

#### **“Considerations specific to the draft statement of principles 2022 - 2025**

On behalf of the BGC, we welcome the acknowledgment that the Council has received no evidence of new trends or concerns in the land based market it regulates, that there has been no increase in problem gambling rates and in the circumstances, the Council proposed not to change its policy.

The policy as drafted is light-touch and the only alteration that we suggest is to paragraph 2.3 and 2.3.1. The heading to paragraph 2.3 is “Primary Gambling Activity and Definition of Premises” and in paragraph 2.3.1 there is a reference to “Primary Gambling Activity”. This is a term no longer used by the Gambling Commission and does not now appear in the guidance to licensing authorities. In the circumstances, we suggest that these references are amended.

#### **Conclusion**

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful.”

- 4.6 As this is a redundant term, it is recommended that paragraphs 2.3 and 2.3.1 are amended and the draft Statement of Licensing Principles has been updated accordingly.
- 4.7 No other responses were received from statutory consultees or via the website consultation.

## **5. Effect upon policy framework and procedure rules**

5.1 The report content has no direct effect upon the Policy framework and procedure rules.

## **6. Equality Act 2010 implications**

6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This report relates to a regulatory function, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

## **8. Financial implications**

8.1 There are no financial implications arising from the report.

## **9. Recommendation(s)**

9.1 Cabinet is recommended to endorse that the Statement of Licensing Principles, incorporating the amendments highlighted within Appendix A together with the additional amendment in 4.6 above, is forwarded to Council for approval and publication in accordance with the regulations.

**Kelly Watson**

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**Background documents:** None

