

Waverley Borough Council

COUNCIL

14 DECEMBER 2021

Title:

**GAMBLING ACT 2005 - PUBLIC CONSULTATION ON REVIEW OF THE
COUNCIL'S STATEMENT OF GAMBLING POLICY**

[Wards Affected: All]

**Portfolio Holder: Cllr Nick Palmer, Portfolio Holder for Operational &
Enforcement**

**Head of Service: Richard Homewood
Head of Environmental & Regulatory Services**

**Key decision: No
Access: Public**

1.0 Purpose and Summary:

1.1 The purpose of this report is to consider the outcome of the consultation on the draft revised Statement of Gambling for Waverley under the 2005 Gambling Act (the Act) and approve the revised Statement of Gambling Policy and Principles to the Council at its meeting on 14 December 2021.

2.0 Introduction

2.1. The Gambling Act 2005 requires the Council to have a Statement of Gambling Policy that it keeps under review, and that it must completely review and republish the Policy every three years. The Policy must include information stipulated within the Gambling Commission's statutory Guidance to Licensing Authorities in England and Wales

2.2 The Council's current Policy has been in place since 31 January 2019 and in accordance with legislation must this year undergo a full review and public consultation.

2.3 The policy has been reviewed by officers after being published for a 12-week public consultation, which commenced 19 July 2021 and ended 11 October 2021.

Statement of Gambling Policy - public consultation

- 2.4 The Council's Statement of Gambling Policy was first adopted by the Council in December 2006, published on 3 January 2007, and came into effect on 31 January 2007. It has been reviewed and updated several times with the last updated policy coming into effect on 31 January 2019. The draft revised Statement of Gambling Policy must be published at least 28 days before it comes into effect (in January 2022).
- 2.5 A draft revised Statement of Gambling Policy, incorporating the changes/amendments made by officers from the existing Statement of Gambling is attached at **Annexe 1**. The tracked changes are shown in colour type. (Please note the differing colours do not reflect anything specific other than an amendment/change)
- 2.6 The consultation has been conducted through a written process to all Responsible Authorities, Gambling Commission, Citizens Advice Centre's, Chambers of Commerce, Town and Parish Councils and via the Council's website and publication in the Surrey Advertiser (03 September 2021).
- 2.7 The timetable for the review of the current policy and implementation of the new policy is as follows:
- Commence review, write to consultees, and place consultation information on the website on 19 July 2021
 - Consultation period ends 11 October 2021 (12 weeks) - followed by:
 - Licensing and Regulatory Committee 08 November 2021
 - Council 14 December 2021
 - Published on Council's website 3 January 2022
 - Policy comes into effect 31 January 2022
- 2.8 The Policy has worked well for Council (the Licensing Authority) and no adverse comments have been made by the Responsible Authorities designated under the legislation.
- 2.9 There has been 1 response from the consultation from Cranleigh Parish Council, please see below with officer response in red.

Thank you for asking Cranleigh Parish Council to comment on the above policy. The Council would like to make the following comments:

- *The Parish Council SUPPORTS clause 1.6 to consult Town and Parish Councils.*
- *Clause 2.15 – Can Town and Parish Councils be included in the eligible bodies able to object to a Temporary Use Notice? **No, the legislation***

sets out that only the Licensing Authority and other statutory bodies required to be served, may object.

- *Clause 2.5 – much of our High Street has residential properties above shops, so noise nuisance should be considered and could possibly be controlled by specific conditions. The Environmental Health service are consulted as a Responsible Authority in relation to the prevention of pollution to the environment or harm to human health and can consider noise pollution.*
- *Page 13, we think there is a typo 'cares' should be 'cafes'? Amended (page 10)*

3.0 **The Statement of Gambling Policy**

3.1 The Council's Statement of Gambling Policy must promote the three licensing objectives of the Gambling Act 2005, which are:

- Preventing gambling from being a source of crime and 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 vulnerable persons from being harmed or exploited by gambling.

3.2 Since the introduction of the Gambling Act 2005, Waverley Borough Council has experienced no issues with any of its licensed gambling premises.

NOTE: Waverley currently has:

- 7 Betting shops
- We normally receive (pre-Covid) 1 annual Temporary Use Notice for a 'Point to Point' horse race at Peper Harow,
- We issue small society lottery licences
- We **do not have** any Casinos, Tracks, Bingo or Family Entertainment Centres.

4.0 **Conclusion**

4.1 The Policy is ultimately set by the Council as part of the Policy Framework and the activity under the Policy is the remit of the Licensing & Regulatory Committee and its Licensing Act Sub-Committees. The Council is asked to consider and approve the revised policy incorporating the officers' amendments, the recommendations of the Licensing & Regulatory Committee, the comments made to the review and of the Council's Statement of Gambling Policy.

5.0. **Recommendation**

- 5.1. The Council is asked to APPROVE the revised Statement of Licensing Policy and Principles.

6.0 **Reason for the recommendation(s)**

- 6.1 In accordance with The Gambling Act 2005, the Council must have a Statement of Gambling Policy that it keeps under review, and that it must completely review and republish the Policy every three years. In accordance with the Gambling Act 2005 a review of the policy must be undertaken and a new / revised policy published to take effect on 31 January 2022.
- 6.2 The Council is invited to approve the revised Licensing Policy. If approved, the Policy will stay in force for 3 years. However, should the Licensing Authority consider it necessary the Policy can be reviewed at any point during this 3-year period.

7.0. **Relationship to the Corporate Strategy and Service Plan(s)**

- 7.1 The Statement of Licensing Policy and Principles under the Gambling Act 2005 whilst being a statutory duty of the Council helps to deliver the Council's strategic outcomes in promoting a thriving local economy, supporting business and employment, encouraging small businesses, and promoting the health and wellbeing of our communities, helping to ensure that gambling activity is safe and controlled.

8.0 **Implications of decision(s)**

8.1 **Resource (Finance, procurement, staffing, IT)**

There are no immediate resource implications in this report; resources required to fulfil the Council's duties in respect of the licensing process are met from the existing budget.

8.2 **Risk management**

The Statement of Gambling Policy is in place to ensure public safety when using these services and to ensure the appropriate balances and mitigations are in place to minimise risk to public safety whilst enabling businesses to trade effectively, efficiently, and legally.

8.3 **Legal**

Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy and Principles every 3 years. The next Statement must be published by 31 January 2022. Section 25 of the Gambling Act 2005 requires the Authority to have regard to the

Gambling Commission Guidance when preparing its statement of Licensing Policy. To delay the review process would leave the Council at risk of not having a valid policy framework in the event of a relevant application being made under the gambling legislation.

8.4 Equality, diversity and inclusion

The Licensing Policy sets out the framework within which decisions are made that effect crime and disorder and the protection of children and other vulnerable people from being harmed or exploited by gambling. There are no direct equality, diversity, or inclusion implications in this report. Equality impact assessments are carried out, when necessary, across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

8.5 Climate emergency declaration

There are no implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

8.6 Consultation and engagement

The Statement of Gambling Policy, as set out above, has been subject to consultation with the public before being finalised.

8.7 Other options considered

Other options considered are commented on throughout the report.

8.8 Governance journey

Trade and public consultation with final recommendations to Licensing and Regulatory Committee.

Annexes:

Annexe 1 – A revised Statement of Gambling Policy, incorporating the changes/amendments made by officers from the existing Statement of Gambling.

Background Papers

Gambling Act 2005, Licensing Conditions & Codes of Practice (LCCP) and revised Gambling Guidance April 2021

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Agreed and signed off by:
Legal Services: date
Head of Finance: date
Strategic Director: date
Portfolio Holder: date