



## REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES

### LICENSING AND SAFETY COMMITTEE

5 APRIL 2023

## REVISION OF THE WALSALL COUNCIL STATEMENT OF PRINCIPLES

### GAMBLING ACT 2005

#### **1.0 Summary of Report**

- 1.1 The Purpose of this report is to seek members approval of a revised Statement of Principles issued under section 349 of the Gambling Act 2005

#### **2.0 Recommendations**

Subject to consideration of the outcome of consultation referred to in paragraph 3.5 to 3.8:

- 2.1 That members receive the revised Statement of Principles for the period 2023/26 and recommend it to full Council for approval and adoption.
- 2.2 That members agree that the Licensing Service as part of its ongoing desire to protect the health of the communities of Walsall work with partners both internal and external to raise the profile of organisations, charities and services that can assist those who may suffer harm because of gambling.

#### **3.0 Background information**

- 3.1 The Gambling Act 2005 provides a comprehensive framework for the regulation of gambling nationwide. Its objectives are:
- a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - b. Ensuring gambling is conducted in a fair and open way.
  - c. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 3.2 Walsall Council as a Licensing Authority is responsible for the licensing of premises, permits and registrations. The Gambling Commission issue licences for Gambling Operators and Personal Licences.
- 3.3 The Act places a duty on the licensing authority to determine and publish its Statement of Principles every three years with respect to the exercise of its functions.
- 3.4 During the three year period the Statement of Principles must be kept under review and the licensing authority may make any revisions to it as it considers necessary. In the last three years no matters have been brought to the attention of the Licensing Service that have suggested there was any need to make amendments to the Walsall Council Statement of Principles.
- 3.5 On the 12 October 2022 members Licensing and Safety Committee agreed that public consultation on the revised Statement of Principles could proceed.

The full public consultation was then launched on the **10 February 2023**. The online consultation was split into three sections

1. Questions regarding the Statement of Principles
2. Questions regarding the wider social impacts of Gambling and any concerns or complaints individuals or organisations may have.
3. Equalities information as to who was completing the questionnaire.

The consultation ended on the **21 March 2023**.

The second set of questions was felt important as the amount of intelligence and information the Licensing Service has in relation to gambling, any harms it creates and any problem premises is very limited. This approach was agreed with the Consultation Institute.

Prior to the public consultation, all relevant responsible authorities were contacted on the 28 February 2022 for information relating to concerns around gambling within the borough.

- 3.5 **Appendix 1** identifies those persons and organisations that were contacted as part of this consultation process.
- 3.6 Consultation ended on the **21 March 2023**.
- 3.7 Details of responses will be provided prior to the meeting.
- 3.8 The comments made have in the consultation have predominantly led to a greater emphasis being placed on licence applicants or holders raising the profile of organisations that can assist vulnerable persons in seeking help.

3.9 As part of this review process the service requested and has received details from GamCare the leading national provider of information, advice, support and free treatment for anyone affected by problem gambling. This data showed the numbers of persons in the Walsall area contacting them about problems caused by their gambling habits.

3.10 There are presently 46 Licensed premises in the Borough and these consist of

- 28 Betting establishments
- 8 Adult Gaming establishments
- 7 Bingo establishments
- 3 Casino establishments

3.11 Since the introduction of the 2005 Act only one application has had to be brought before the relevant sub committees for determination. This application was granted following an appeal made to Magistrates Court by the applicant

Since the previous Statement of Principles was introduced (in 2016) there have been four new applications and no reviews. Overall since the introduction of the Gambling Act in 2007 there have been 85 new applications and no reviews.

3.12 Local Area Profile – officers from the Licensing Service continue to work alongside the Public Health Intelligence team to devise the Local Area Profile for Walsall. As soon as the document is ready it will be made available on the Licensing web pages or upon request.

3.13 The recommended Statement of Principles for 2023 -2026 is attached as **Appendix 2**.

## **5.0 Resource Considerations**

5.1 **Financial:** The Licensing Service is fully funded through the income it receives from the licensing of gambling establishments as mentioned in the main body of this report. The Service sets the fees for such applications based on relevant guidance.

There is not a huge turnover of these premises and therefore income appears to be relatively stable. This consequences of approving this Statement of Principles should not adversely affect income generation.

5.2 **Legal:** The Act places a duty on the licensing authority to determine its Statement of Principles with respect to the exercise of its functions and to publish that statement before it starts the exercise of those functions on a three year cycle.

Such a Policy must be approved by council and published before the licensing authority carries out its functions in respect of individual applications.

Any challenge of the Licensing Authority's Statement of Principles is by way of Judicial Review.

Enforcement relating to gambling is undertaken primarily by Community Protection Officers. There are however allowances within the act for Environmental Health officers, Trading Standards Officers and the Police to inspect and enforce licence conditions.

5.3 **Staffing issues:** None arising from this report.

## **6.0 Citizen Impact**

6.1 Is addressed through the Statement of Principles

## **7.0 Community Safety**

7.1 Is addressed through the Statement of Principles

## **8.0 Environmental Impact**

8.1 Nothing arising from this report.

## **9.0 Performance and Risk Management Issues**

9.1 Nothing arising from this report.

## **10.0 Equality Implications**

10.1 These are addressed through the Statement of Principles

## **11.0 Consultation**

- 11.1 Section 349(3) of the Act states that the following must be consulted:
- a. The Chief Officer of Police
  - b. One or more persons who appear to the authority to represent the interest of persons carrying on gambling businesses in the authority's area
  - c. One or more persons who appear to the authority to represent the interest of persons likely to be affected by the exercise of the authority's functions under the Act

## **12.0 Associated Papers**

- 12.1 Appendix 1 - List of people consulted  
12.2 Appendix 2 – Final policy to be adopted.

## **13.0 Contact Officer**

- 13.1 Muhammed Sayful Alom (Licensing Team Leader) –  
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