

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 15TH NOVEMBER 2021, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), A. B. L. English, J. E. King (substituting for Councillor S. A. Robinson), A. D. Kriss, P. M. McDonald, M. A. Sherrey, C. J. Spencer and M. Thompson

Officers: Mr. R. Keyte, Mr. D. Etheridge and Mrs. P. Ross

8/21 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillor H. D. N. Rone-Clarke, S. P. Douglas and S. A. Robinson, with Councillor J. E. King in attendance as the substitute Member for Councillor S. A. Robinson.

9/21 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

10/21 **MINUTES**

The minutes of the Licensing Committee held on 12th July 2021 were submitted.

RESOLVED that the minutes of the Licensing Committee held on 12th July 2021, be approved as a correct record.

11/21 **GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES**

The Council's current Statement of Principles under the Gambling Act 2005 had taken effect on 31st January 2019. In accordance with the provisions of the Act, the Council was required to prepare and publish a Statement of Principles every three years. As a result, a new Statement of Principles must be published by 31st January 2022.

Following on from the Licensing Committee meeting held on 12th July 2021, whereby Members approved the draft revised Statement of Principles for the purpose of consultation.

Subsequently consultation on the revised draft Statement of Principles had taken place with all relevant parties including:

- The Chief Officer of West Mercia Police
- The Gambling Commission
- All other responsible authorities identified under the Act
- Relevant Trade Associations
- The Public Health Team at Worcestershire County Council
- Organisations working with people who are problem gamblers
- Parish Councils
- The general public

Members were now being asked to consider the responses received to the consultation and the changes incorporated into the revised draft Statement of Principles as a result of the responses received.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), presented the report and in doing so informed Members that the consultation exercise on the draft Statement of Principles was carried out from 20th July 2021 and had remained open for comments until 10th September 2021.

During the consultation period two responses were received. The first of these responses was from Gosschalks Solicitors, submitted on behalf of their clients the Betting and Gaming Council, as detailed at Appendix 1 to the main agenda report.

Their response had contained one suggested amendment to be made, which was the redrafting of the bullet point at paragraph 11.4, to remove the reference to the term 'primary gambling activity', for the reasons as detailed on page 8 of the main agenda report.

A further response was received from the charity GambleAware, as detailed at Appendix 2 to the main agenda report.

Due to resource constraints, the charity had been unable to provide specific feedback on the draft Statement of Principles, but they had provided some useful links to tools and publications that could be used by licensing authorities to help identify areas with increased levels of risk for any reason, as detailed on page 8 of the main agenda report. These tools and publications would be very helpful when the Gambling Local Area Profile for Worcestershire was next updated.

In response to questions from the Committee, the Principal Officer (Licensing), explained that the consultation had been made available for comment via the Council's website and publicised via social media and also through the local press. It was difficult to engage, historically there had not been much response to previous consultations of the Statement of Principles. He was happy to scope any other methods suggested in order to engage with the general public.

In response to further questions from Members with regard to section 17 – Gambling in Alcohol Licensed Premises and in particular Section 282

of the Act which provided an automatic entitlement to alcohol licence holders to make available two gaming machines for use in alcohol licensed premises; the Principal Officer (Licensing), explained that the 21 days' notice to the licensee to remove the automatic authorisation / or to cancel a permit was a statutory requirement. Members would have to lobby their Member of Parliament to consider any changes to this statutory requirement.

The Principal Officer (Licensing), further highlighted that any formal action taken against a licensed premises, under the Gambling Act 2005, was publicised in the local press.

The Principal Officer (Licensing), further clarified that, as detailed on part 23.26, on page 48 of the main agenda report that 'at least 20% of the lottery proceeds must be applied to the purposes of the society', was again, a statutory requirement in legislation. The term 'lottery' also covered raffles, which was a form of lottery.

Further debate continued with Members highlighting some inconsistencies in the draft Statement of Principles with regard to the references made to 'children and / or young persons; in Section 9.0 - 'Protecting children and vulnerable people from being harmed or exploited by gambling', as detailed on page 26 of the main agenda report.

There were references throughout the draft Statement of Principles to 'children and / or young persons' Members questioned this.

The Principal Officer (Licensing) commented that the Gambling Act 2005 itself was not consistent, there were some forms of gambling open to young persons and not children.

With the agreement of the Chairman, the Council's Legal Advisor and the Principal Officer (Licensing), proceeded to look at the specific definition of 'children and young persons'.

With the agreement of the Chairman and whilst officers were deliberating, the meeting stood adjourned from 18:36pm to 18:41pm for an unannounced comfort break.

Having reconvened, officers suggested that in order to provide clarity, the following new paragraph be included in the draft Statement of Principles:-

Part 9.0 – Protecting children and vulnerable people from being harmed or exploited by gambling

“Section 45 of the Gambling Act 2005 defines a child as an individual under the age of 16 and a young person as an individual who is not a child but who is less than 18 years old. References in this statement to “a child” or “children” are to be read as including reference to “a young

person” or “young people” except in circumstances where this would be inconsistent with the provisions of the Gambling Act 2005 or where this statement is quoting from the legislation itself”.

Members agreed to this and that the draft Statement of Principles, be amended accordingly, as detailed in the preamble above and that it be

RECOMMENDED that

- a) the revised Statement of Principles, as amended by Licensing Committee Members, and detailed at Appendix 2, be approved; and
- b) the Statement of Principles be published by 31st January 2022.

12/21

LICENSING COMMITTEE WORK PROGRAMME 2021/2022

RESOLVED that the Licensing Committee Work Programme 2021/2022, be noted.

Comment

The meeting closed at 6.46 p.m.

Chairman