

Gloucester City Council

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| Meeting: | Licensing and Enforcement Committee | Date: 11 September 2018 |
| | Full Council | 22 November 2018 |
| Subject: | Gambling Act 2005 – Revised Statement of Principles following 10 week consultation | |
| Report Of: | Head of Communities | |
| Wards Affected: | All | |
| Key Decision: | No | Budget/Policy Framework: No |
| Contact Officer: | Rebecca Tuck, Community Wellbeing Officer | |
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| Appendices: | 1. Revised Statement of Principles | |
| | 2. Response from Gamcare | |
| | 3. Response from HM Revenue & Customs | |
| | 4. Response from Glos County Council – Public Health Team | |
| | 5. Response from Gambleaware | |

1.0 Purpose of Report

- 5.1 The committee is asked to consider the responses received during the recent consultation on the revised draft Gambling Act 2005 Statement of Principles and recommend to Council that the revised Statement of Principles for 2019-2022 be formally approved and adopted.

2.0 Recommendations

- 2.1 The Licensing and Enforcement Committee is asked to **APPROVE** the Statement of principles and **RECOMMEND** that the revised Gambling Act 2005 Statement of Principles is approved and adopted by Council before it can advertise and publish it.
- 2.2 Council is asked to **RESOLVE** to adopt the Gambling Act 2005 Statement of Principles for 2019-2022 and to authorise the Head of Communities to publish and advertise it.

3.0 Background and Key Issues

- 3.1 The Council is the Licensing Authority for the purposes of the Gambling Act 2005
- 3.2 The Gambling Act 2005 sets out the regulatory system that governs the provisions of all gambling in Great Britain, other than the National Lottery. The Act requires us

to prepare a Statement that we propose to apply in exercising our functions under the Act.

- 3.3 The Statement is a licensing policy which sets out the general approach we will take when carrying out our regulatory role under the Act.
- 3.4 As of September 2007, licensing authorities were granted powers to licence gambling premises within their area as well as undertaking functions in relation to lower stake gaming machines and club and minors welfare institutes. The Act also provides for a system of Temporary Use Notices. These authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for limited periods.
- 3.5 The Gambling Act contains three licensing objectives which underpin the functions that the Gambling Commission and Gloucester City Council will perform. These Objectives are central to the regulatory regime created by the Act. They are:-
- Preventing gambling from being a source of Crime and Disorder.
 - Ensuring that gambling is conducted in a fair and open way and;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.6 Section 349 of the Act requires Gloucester City Council to prepare and publish a Statement of Principles that is proposes to apply in exercising its functions under the Act. The statement is a licensing policy which sets out the general approach that will be taken when carrying out its regulatory duties under the Act. This should be kept under review and must be re-published every three years.
- 3.7 The current Statement of Principles is due to expire in December 2018 and a new Statement of Principles must be in place by 31 January 2019.
- 3.8 The Act provides that the Licensing Authority must consult with:-
- The Chief Officer of Police for the Authority's area
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
 - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.
- 3.9 The Licensing and Enforcement Committee on 12 June 2018 approved the Draft Statement of Principles for the purposes of consultation. There were only minor amendments and additions to the Statement of Principles which included:-

Local Area Profile

The need for a Local Area Profile will be kept under review.

Local Area Risk Assessment

More detailed information about Local Area Risk Assessments. These are intended to be live documents and will need to be revisited and refreshed by Operators of each individual premise's as local circumstances change rather than just be companywide policies and procedures in relation to the licensing objectives. This Statement of Principles is one means by which this licensing authority can make clear its expectations of gambling operators.

Plans

A new section has been added that sets out this Licensing Authority's expectations.

Public Health and Gambling

A new section has been added recognising the links between Public Health and gambling-related harms and how the Council would like to work together in partnership with the local Public Health team to try and better understand and address gambling-related harms in the area.

Exchange of Information

A new paragraph has been added in respect of applications referred to the Licensing Sub-Committee.

Gambling Commission

A new section has been included that provides information on the Gambling Commission and its responsibilities.

Complaints

A new paragraph has been added that set out how this Licensing Authority will deal with complaints.

Small Society Lotteries

A new section has been included that sets out how the Council will approach its role and responsibilities in relation to the registration and monitoring of Small Society Lotteries.

- 3.10 The document has been subject to a 10 week consultation between 15 June 2018 and 24 August 2018.
- 3.11 On 15 June 2018 all consultees were written to and invited to make a written comment. In addition, the consultation was advertised on the Council's website and a copy of the draft document was placed in the main library in Brunswick Road.
- 3.12 During the consultation period four responses were received.

- 3.13 The first response was from Gamcare who are a national charity that provide information, advice, support and free counselling for the prevention and treatment of problem gambling. Their response is attached as **Appendix 2** of this report.

Gamcare's response is generic and doesn't relate specifically to this draft statement. It deals mainly with matters relating to the adoption of a local area profile (see paragraph 3.15 below) and matters that have been identified and included in Paragraph 5 of the draft statement in respect of Local Area Risk Assessments. Gamcare's comments are noted.

- 3.14 The second response was from HM Revenue and Customs who are a responsible authority under the Act, they requested that their contact details be updated. The draft statement has been amended to reflect these changes and can be seen highlighted in grey in Appendix B of the document. Their response is attached as **Appendix 3** of this report.

- 3.15 The third response was from Gloucestershire County Council's Public Health Team and is attached as **Appendix 4** of this report.

The first part of their response relates to suggested changes to the wording of Paragraph 4 relating to a 'local area profile'. The CWB team have engaged with Becky Maclean the Gambling lead for Public Health around setting up a countywide working group to develop a local area plan, and, have asked for this to be an agenda item at the next Gloucestershire Licensing Officers Group meeting in September. Paragraph 4 of the draft statement has been amended to reflect the suggested changes to the wording and can be seen highlighted in grey in the document.

Their response also suggested changes to the wording of Paragraph 7 of the draft document that relates to 'Public Health and Gambling'. The draft document has been amended to reflect the suggested changes that support the ongoing engagement between Public Health and the CWB team when reviewing the statement of principles in the future. The changes can be seen highlighted in grey in the document.

- 3.16 The fourth response was from Gambleaware who are an independent charity set up to fund research, education and treatment services to help to reduce gambling-related harm in Great Britain.

Gambleaware's response is generic and doesn't relate specifically to this draft statement. The Community Wellbeing Team are aware of the LGA publications that have been referred to, and agree that there are a range of ways in which different Council services can support local residents who are affected by gambling related harm. We will provide leaflets in the Council's reception area for residents and will take into consideration the need to train frontline staff in recognising potential cases where harmful gambling may be present. We will create a page on our website to provide information about problem gambling.

Comments in respect of conducting a risk analysis of the local area are dealt with in Paragraph 3.15 above. Their response is attached as **Appendix 5** of this report.

4.0 Asset Based Community Development (ABCD) Considerations

4.1 There is a legal process we must follow under the Gambling Act 2005. However, giving communities as much information about an application as we can by providing help and advice where it is needed should also be a consideration. We will engage with the Community Wellbeing Team to develop an effective communication process.

5.0 Reasons for Recommendations

5.1 The Statement of Principles sets out how Gloucester City Council intends to administer its duties under the Gambling Act 2005.

5.2 To ensure that the Council complies with the Gambling Act 2005.

6.0 Future Work and Conclusions

6.1 The Council must publish its Statement of Principles at least 4 weeks prior to the date it is to come into effect. The effective date is 31 January 2019.

6.2 The Act requires that publication is to be:-

- On the Authority's website, and;
- For public inspection in one or more public libraries or other premises in the Council's area such as the Council's own offices.

6.3 The Council must also advertise the publication of the Statement of Principles by publishing a notice on the Authority's website and in one or more of the following places:-

- A local newspaper circulation in the area covered by the Statement;
- A local newsletter, circular or similar document circulating in the area covered by the Statement;
- A public notice board in or near the principal office of the Authority;
- A public notice board on the premises of public libraries in the area covered by the Statement.

6.4 Due to the publication and advertising requirements the Council will need to approve and publish the Statement of Principles no later than 1 January 2019. Therefore, the revised Statement of Principles will need to be agreed by Full Council on 22 November 2018 as that is the last meeting of full Council before the 1 January 2019 deadline.

7.0 Financial Implications

7.1 There are no financial implications associated with this report. We receive income through licence fees and this covers the cost of carrying out this function.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

- 8.1 The Act requires Gloucester City Council to prepare and approve a Statement of Principles to cover each 3 year period. The statement must contain the principles that the Council proposes to apply in exercising its function under the Act during the period.
- 8.2 Section 2 of the Act provides that the Council is the licensing authority for the purposes of the Gambling Act 2005. Section 157 of the Act provides that in relation to premises, the licensing authority in whose area the premises are situated is also a responsible authority. Therefore it is lawful and entirely proper for the licensing authority to carry out both of these roles.
- 8.3 Regulation 7 of the Gambling Act 2005 requires the Council to advertise and publish the statement for a period of four weeks before it takes effect.
- 8.4 If the Council approves that statement and advertises it for the required period prior to publication it will comply with its requirements as above.

(One Legal have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 The risk management implications for this report are as follows:-
- Statement of Principles unfair, or too prescriptive;
 - Revised Statement of Principles not published on time (on or by 1st January 2019)
 - Consultation is inadequate

10.0 People Impact Assessment (PIA) and Safeguarding:

- 10.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

11.0 Other Corporate Implications

Community Safety

- 11.1 The Statement of Principles promote community safety because the Gambling Act 2005 Licensing Objectives prevent gambling from being a source of Crime and Disorder, being associated with Crime and Disorder or being used to support crime.

Sustainability

- 11.2 None

Staffing & Trade Union

- 11.3 None

Background Documents:

Gambling Act 2005

Gambling Commission's guidance to Licensing Authorities (5th Edition) September 2015

LGA Tackling Gambling Related Harm – A Whole Council Approach