

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date: 14 September 2021
	Full Council	18 November 2021
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: Yes
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Appendices:	1. Revised Statement of Principles 2. Response from Gambleaware 3. Response from Gosschalks on behalf of the Betting and Gaming Council 4. Response from Gloucestershire County Council Safeguarding Panel (GCSP) 5. Draft content for webpage – ‘Problem Gambling’	

1.0 Purpose of Report

- 1.1 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 2022-2025 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 2022-2025 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 minor's 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 proposed 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 2021 and a new Statement of Principles must be in place by 31 January 2022.
- 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 There were no proposed changes to the Statement of Principles other than minor amendments to the Council's address details following relocation to Shire Hall and one minor change to the Max Stake for B2 machines at Appendix E of the document. In view of the minor changes having no effect on the overall content of the document it was approved for consultation by Cllr Clive Walford, Chair of the Licensing and Enforcement Committee on 11 May 2021 without the need for a full report to committee.
- 3.10 The document has been subject to a 10 week consultation between 03 June 2021 and 12 August 2021.

- 3.11 On 03 June 2021 all consultees were emailed with a link to the Council's website and invited to make a written comment.
- 3.12 During the consultation period three responses were received.
- 3.13 The first 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 if and when it re-opens 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. A draft of the proposed content for the webpage is attached as (Appendix 5) to this report.

The Community Wellbeing Team will continue to work with Becky Maclean the Gambling lead for Public Health at Gloucestershire County Council in developing a local area plan which will be published as a separate document on the Council's website.

- 3.14 The second response was from Gosschalks Solicitors on behalf of the Betting and Gaming Council their first comment relates to the use of the words 'promoting the licensing objectives' at paragraphs 2 and 5 of Part A. In response and in line with section 153 of the Gambling Act 2005 and the Gambling Commission's most recent guidance to licensing authorities at paragraph 6.7 it is proposed that the relevant paragraphs be amended to remove the words 'promoting the licensing objectives' to avoid any confusion with the Licensing Act 2003 and replace with 'pursue' the licensing objectives. Changes to the document can be seen shaded in grey.

Their second comment relates to Paragraph 5 of Part A headed 'Local Area Risk Assessment'. The Community Wellbeing Team agree that having reviewed the list of bullet points referred to that not all the matters are relevant to any assessment to risk to the licensing objectives and propose to amend the paragraph as follows:

This Licensing Authority will expect applicants and operators to consider factors such as:-

- *whether the premises is in an area of deprivation (refer to Part A, paragraph 3 headed City of Gloucester);*
- *whether the premises is in an area subject to high levels of crime and/or disorder;*
- *whether the premises is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;*
- *the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres libraries and other areas where children are likely to gather; and*
- *policies and procedures in place at the premises detailing how children and vulnerable people, including people with gambling dependencies are protected.*

This could include staff training records on how to identify excessive gambling and vulnerable people and the steps to be taken to mitigate the risk;

- *the layout of the premises including the siting of age restricted gaming machines to ensure that staff have an unobstructed view at all times of persons using the premises;*
- *the location and operation of CCTV at the premises. This licensing authority will expect operators to retain images for a minimum of 31 days, images must be downloadable to disc and made available to the designated officer of any of the responsible authorities named in the Act. If the equipment becomes inoperative the Police and the Licensing Authority must be notified as soon as is reasonably practicable and steps must be taken to repair the system as soon as possible Staffing levels should be taken into consideration during any period of downtime;*
- *keeping details of people who have self-excluded;*
- *keeping details of under-age refusals and the results of any test-purchasing carried out at the premises.*

Their third comment relates to mention of an outdated version of the ‘Gambling Commissions Guidance to Licensing Authorities’ within paragraph 1 of Part B. This has been amended to remove mention of the outdated version and replace with the relevant section of the Guidance namely Part 7 which remains the same in the most recent version published on 1 April 2021.

Their fourth comment relates to the section headed ‘Location’ on page 12 of Part B In particular mention of where gambling premise should not be located. In response and in line with the Gambling Commission’s most recent Guidance to Licensing Authorities it is proposed to amend the last sentence as follows:-

‘Any revision to the policy in this regard would be justified by evidence and subject to consultation, It should be noted that any such area-specific policy would not preclude any application being made and each application will be decided on its merits and depend to a large extent on the type of gambling that is proposed for the premises’.

Their last comment relates to Part B page 14 ‘conditions attached to licences’. It is proposed that no change is required to this paragraph as paragraph 1 of Part B makes mention of the Mandatory and Default conditions attached to premises licences and page 14 is referring specifically to additional conditions that can be attached by the Licensing Authority where it is believed to be appropriate.

- 3.15 The third response was from Gloucestershire Safeguarding Children Partnership (GSCP). In response and to reflect the change of name of the Responsible Authority for the protection of children from harm paragraph 9 of Part A and Appendix B have been updated accordingly.

4.0 Social Value Considerations

- 4.1 There are no social value impacts, engaging effectively with communities through various media such as the consultation process positively engages with communities.

5.0 Environmental Implications

5.1 There are no Environmental Impacts.

6.0 Reasons for Recommendations

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

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

7.0 Future Work and Conclusions

7.1 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 2022.

7.2 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.

7.3 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.

7.4 Due to the publication and advertising requirements the Council will need to approve and publish the Statement of Principles no later than 1 January 2022. Therefore, the revised Statement of Principles will need to be agreed by Full Council on 18 November 2021 as that is the last meeting of full Council before the 1 January 2022 deadline.

8.0 Financial Implications

8.1 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.)

9.0 Legal Implications

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.)

10.0 Risk & Opportunity Management Implications

- 10.1 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 2022)
 - Consultation is inadequate

11.0 People Impact Assessment (PIA) and Safeguarding:

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

12.0 Other Corporate Implications

Community Safety

- 12.1 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

- 12.2 None

Staffing & Trade Union

- 12.3 None

Background Documents:

Gambling Act 2005

Gambling Commission's guidance to Licensing Authorities (5th Edition) published 1 April 2021 last updated (13 May 2021)

LGA Tackling Gambling Related Harm – A Whole Council Approach