

TITLE OF REPORT: Gambling Statement of Principles 2016 - 2019

REPORT OF: Paul Dowling, Strategic Director, Development and Enterprise

Purpose of the Report

1. The purpose of this report is for Cabinet to approve and recommend to Council a Statement of Principles for 2016 – 2019 in accordance with the Gambling Act 2005.

Background

2. Under the Gambling Act 2005 licensing authorities are required to prepare and publish every three years a Statement of Principles that they propose to apply when exercising their functions.
3. The Act contains three licensing objectives, which underpin the functions that the Gambling Commission and Councils perform. These objectives are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - 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;
4. On the 14 July 2015 Cabinet gave approval for a widespread public consultation on a draft revised Statement of Principles. The consultation took place over a 12 week period between July and October 2015.
5. The responses to the consultation were considered by a Policy Advisory Group on 18 November 2015 and advice was given as to how the draft statement should be amended. Notes from the meeting are attached in Appendix 2.
6. An Executive Summary of the Statement of Principles is attached at Appendix 3 and the full document is attached at Appendix 4.

Proposal

7. Cabinet is asked to approve the amended statement and recommend it to Council.

Recommendations

8. Cabinet is asked to recommend the Council to approve the adoption of the Gambling Statement of Principles and their publication in accordance with the requirements of the Gambling Act 2005.

For the following reason:

To ensure that the Council's functions under the Gambling Act 2005 can be discharged effectively

CONTACT: Elaine Rudman ext: 3911

Policy Context

1. The adopting of a Gambling Statement of Principles will allow the Council to carry out its duties as a Licensing Authority under the Gambling Act 2005 and in accordance with guidance issued to local authorities by the Gambling Commission in September 2015. It contributes towards the refreshed Vision 2030, Gateshead's Sustainable Community strategy and the Council Plan.

Background

2. The Gambling Act 2005 was implemented in September 2007. It transferred the responsibility for the licensing of gaming premises from the Magistrates to Local Authorities and introduced for the first time, a unified regulator for gambling, the Gambling Commission, replacing the Gaming Board for Great Britain.
3. Under the Act, the Council is responsible for issuing premises licences for premises such as casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol licensed premises.
4. The Act contains three licensing objectives, which underpin the functions that the Gambling Commission and Councils perform. These objectives are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - 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;
5. Licensing authorities are required to prepare and publish, every three years, a Statement of the Principles that they propose to apply when exercising their functions. In preparing such a statement, licensing authorities must follow the procedure set out in the Act as well as the accompanying guidance. The first statement was published in January 2007, the second in January 2010 and the third in January 2013.

Consultation

6. The Statement of Gambling Principles has been produced following a wide consultation process. A draft statement was produced in accordance with the requirements of the Guidance, and was circulated for public consultation during a 12 week period between 23 July and 16 October 2015.
7. Six responses to the consultation were received, and a Policy Advisory Group considered these on 18 November 2015. The Group gave advice for amendment to the draft statement and guidance to incorporate some of the feedback received from the consultees. The advice given by the Policy Advisory Group is attached in Appendix 2.
8. The draft statement has been revised in accordance with the advice of the Policy Advisory Group.

9. The Cabinet Members for Environment and Transport have been consulted.

Alternative Options

10. No alternative options are considered appropriate as the Licensing Authority has a statutory duty under the Licensing Act 2003 to prepare and publish a statement of its principles at this time.

Implications of Recommended Option

11. **Resources:**

a) **Financial Implications** – The Strategic Director, Corporate Resources, confirms that there are no additional financial implications arising from this report.

b) **Human Resources Implications** – There are no human resources implications from the recommended options.

c) **Property Implications** - There are no property implications from the recommended options

12. **Risk Management Implications** - There are no risk management implications from the recommended options.

13. **Equality and Diversity Implications** - an Equality Impact and Needs Assessment of the policy has indicated a neutral impact.

14. **Crime and Disorder Implications** – There are no crime and disorder implications from the recommended options.

15. **Health Implications** – There are no health implications from the recommended options. .

16. **Sustainability Implications** - There are no sustainability implications from the recommended options

17. **Human Rights Implications** - There are no human rights implications from the recommended options

18. **Area and Ward Implications** - This report affects all wards equally.

19. **Background Information**

Gambling Act 2005

Gambling Commission Guidance to Local Authorities September 2015

Policy Advisory Group – 18 November 2015**Report to Cabinet**

Purpose of the Meeting

The purpose of the meeting was to consider the responses to the recent public consultation on the draft Statement of Gambling Policy and how the draft policy should be amended before returning to Cabinet with the final policy for approval by Council.

Elaine Rudman, Environmental Health, Licensing & Enforcement Manager outlined the duty of Licensing Authorities to prepare and publish a statement of licensing policy every three years and confirmed that the next statutory period begins on 18 January 2016.

Summary of Advice:

- It was agreed that the policy should make reference to the requirement to carry out premises specific risk assessment and what the licensing authority expect.
- It was agreed that the policy should make reference to the Gaming Machines in Alcohol Licensed Premises Code of Practice.
- The Advisory Group agreed that the policy should expand the reference to compliance monitoring and enforcement and how that impacts on fee setting.
- It was agreed that the wording relating to family entertainment centres be amended.
- It was agreed that the policy should encourage effective test purchasing to tackle problems caused by Fixed Odds Betting Terminals (FOBTs).
- It was felt that the policy should encourage conditions to ensure there are adequate number of staff and require recording and reporting of incidents.
- It was also agreed that the policy should contain conditions to tackle problems caused by self serve betting terminals.
- The Advisory Group agreed that there should be reference to the fact that financial abuse is now a category of abuse under the Care Act 2014 and there should be an expectation that licence holders understand the principles of mental capacity.
- The Advisory Group felt that there should be reference to the roles of the Gateshead Safeguarding Adults and Community Safety Boards.
- Following the consultation response from William Hill it was agreed that the wording 'betting machines' be amended to 'fixed odds betting terminals'.
- In relation to the response from Association of British Bookmakers, opposing the use of the policy to prescribe the form of risk assessment, the Advisory Group considered it appropriate that the policy sets out expectations with regard to the risk assessment.

- The Advisory Group also considered the response from the Association of British Bookmakers opposing the reference to imposition of restrictions on advertising. However, it agreed that the intention of the policy is to prevent the display of gambling products that are aimed at or attractive to children; and agreed that replacing the words 'advertising' and 'advertised' with 'displaying' and 'displayed' would give clarity.
- The Advisory Group agreed that reference to proximity to certain location should not be a specific factor unless there is evidence of harm.

Chair: Councillor B Clelland

Members Present: Councillors M Hood and M Graham

Officers Present: Elaine Rudman – Communities and Environment
Roselyn White – Corporate Services and Governance

Draft Statement of Gambling Principles 2016 - 2019

Executive Summary

Gateshead Council has a statutory duty to prepare publish, every three years, a Statement of the Principles that will be applied when exercising its functions under the Gambling Act 2005.

This Statement of Principles provides information and guidance to applicants, responsible authorities and interested parties on the overall approach that Gateshead Council will take to applications, compliance and enforcement under the Gambling Act 2005.

It sets out what this Licensing Authority expects of the people that it authorises to carry out Gambling activities in the Borough.

The Statement of Principles seeks to achieve the three licensing objectives of the Gambling Act 2005, namely –

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- 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;

and sets out the issues that are of particular relevance or concern within Gateshead and the approaches that the Licensing Authority would expect responsible licensees to take into account in order to promote these objectives.