

Full Council

11th December 18



Report of: Strategic Director, Communities

Title: Statutory Review of Gambling Policy

Ward: Citywide

Member Presenting Report: Councillor Kye Dudd

Recommendation

That Members adopt the draft Statement of Gambling Policy 2019

Summary

The Licensing Authority has a statutory responsibility to review its Statement of Gambling Policy every three years. The new policy will take effect from January 2019.

The significant issues in the report are:

Limited changes from previous statement of Gambling Policy

The main regulator is the Gambling Commission

The Local Authority role focuses on the location of gambling premises

Low risk area for the Local Authority



Policy

1. The formulation of a Statement of Gambling Policy is a statutory requirement.

Consultation

2. Internal

Details of internal consultation are detailed further in the report.

3. External

Statutory consultation has been undertaken for this policy in line with government guidance of 12 weeks. Three comments were received, and considered in respect of the policy. This level of response is in line with previous policy reviews and reflects the fact that the local authority is not the main regulator in this field. Guidance from the Gambling Commission sets out how consultation should be undertaken, who should be consulted and the issues that can be taken into account to help inform the policy review. The issues that can be considered are limited and general views on gambling, types of gambling machines and gambling operators cannot be taken into account as these are covered by the primary regulator which is the Gambling Commission. The local authority role focuses on the location of premises in relation to the prevention of crime and disorder, protecting children from harm and ensuring that regulated gambling activity is conducted fairly. Gamcare, a charity that helps people with gambling problems, made a general response, not specific to this policy, which covered areas that were already reflected in the draft policy. Novomatic, a gaming machine supplier, suggested a few minor changes some of which have been included. The final response was from Public Health which resulted in some further changes. The responses, officer responses and notes of changes can be found in the appendices.

Context

4. The Gambling Commission is the primary regulator for gambling and is the body which regulates and controls operators and their gambling activities. The Commission provides national policy and statutory guidelines which local authorities are required to follow. This includes a responsibility to put in place a local policy, based on statutory guidelines and a national framework that sets out how the licensing authority will discharge its functions under the Gambling Act. There is a statutory requirement for a new policy every three years. The Licensing Authority's role is mainly concerned with the licensing of premises for gambling activities.

Proposal

5. The Gambling Act 2005 places a duty on the Council, as the Licensing Authority, to develop a Statement of Principles that it proposes to apply in exercising its functions under the Act. In this report the Statement of Principles is called the Gambling Policy. The Gambling Policy must have regard to, and be consistent, with the Gambling Act 2005's three objectives:
 - 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 harm or exploitation.

6. The recommendation is to approve for publication and implementation the Statement of Gambling Policy to take effect from 31 January 2019.

Other Options Considered

7. No other option as this is a statutory requirement.

Risk Assessment

8. The publication of the Statement of Gambling Policy is a statutory requirement.

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.
- 8b) Officers have completed an Equalities Impact Assessment attached as Appendix D. The risks identified were minimal and the policy ensures that the Council is well placed to identify any adverse impact in respect of all protected groups when it is engaged in considering applications.

Legal and Resource Implications

Legal

Section 349(1) of the Gambling Act 2005 requires a Licensing Authority to prepare and publish a statement of the principles that it proposes to apply in exercising its' functions under the Act. The revised Statement must be published at least four weeks before it comes into effect (by 3 January 2019). The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 sets out the issues the statement must consider. The proposed policy statement in its current form complies with the Regulations. There is a statutory requirement to consult on the statement. The responses to the consultation must be taken into account when taking the decision. Cabinet should also be satisfied from the information at Appendix I that proper consultation has taken place in that (i) proposals were consulted on at a formative stage (ii) sufficient reasons have been given for the proposals and (iii) adequate time has been allowed for consideration and response. The Public Sector Equality duty requires the decision maker to consider the need to promote equality for persons with “protected characteristics” and to have due regard to the need to (i) eliminate discrimination, harassment, and victimisation; (ii) advance equality of opportunity; and (iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it. The Equalities Impact Assessment is designed to assess whether there are any barriers in place that may prevent people with a protected characteristic using a service or benefiting from a policy. The decision maker must take into consideration the information in the assessment before taking the decision.

(Legal advice provided by Sarah Sharland Litigation Regulatory and Community Team)

Financial (a) Revenue - No additional costs, savings or income are expected to arise from this review of the Gambling Act policy as statutorily required by 31 January 2019.

(b) Capital - Not applicable

(Financial advice provided by Jemma Prince 17-09-18)

Land- Not applicable

Personnel - No HR implications identified

(Personnel advice provided by Celia Williams 26-09-18)

Appendices:

Appendix A	Statement of Gambling Policy 2019
Appendix B	Local Area profile
Appendix C	Summary of Policy Changes
Appendix D	Equality Impact Assessment
Appendix E	Summary of consultation responses
Appendix F	Response form Gamcare(1)
Appendix G	Response from Gamcare (2)
Appendix H	Response from Gamcare (3)

Appendix I Response from Novomatic

Appendix J Response from Public Health

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None