

Report to COUNCIL

Gambling Policy Review

Portfolio Holder:

Councillor Hibbert, Cabinet Member for Housing, Transport & Planning

Officer Contact: Executive Director – Cooperatives & Neighbourhoods

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Purpose of the Report

The purpose of this report is to update members of the recent review of the Council's Gambling Policy and ask for it to be approved.

Recommendations

That Council adopts the attached as its Policy from January 2016.

Gambling Policy Review

1 Background

1.1 The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling in this Country. Amongst other changes it gave local authorities new and extended responsibilities for licensing premises for gambling and associated permissions.

1.2 In setting its local policy the Council must show how we will seek to promote the licensing objectives under the Act which are:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
- Ensuring gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable people from being harmed or exploited by gambling.

1.3 The role of the licensing authority covers:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for the consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the permits and licences

2 Current Position

2.1 The current policy was adopted in January 2012 and has to be reviewed every 3 years. Therefore, the attached proposed policy, proposes amendments since it was last approved. Changes are indicated in red to enable Members to discuss the proposals. Most gambling policies issued by Councils will use the same template issued by the Local Government Association based on best practice and to ensure a consistent approach nationally. A number of changes have been made to the Operator's Licence Conditions and Codes of Practice by the Gambling Commission and these have been reflected in this review and are proposed subject to Members views of course.

The main changes are:

- To add reference to the use of test purchases and to seek guidance from the Primary Authority before taking enforcement action at paragraph 7.8 and 7.9.
- To add reference to the consideration of the risk assessments under the Licence Conditions & Codes of Practice (LCCP) when determining applications at paragraph 9.4.
- To add reference to the considerations that operators must make in order to protect children and young people from accessing gambling premises and to have policies and procedures in place under the (LCCP) at paragraphs 9.17 to 9.19.
- To add reference that gambling areas are to be clearly defined when entering a premises whereby gambling is a supplementary activity on those premises at paragraph 10.2.
- To add reference to the LCCP which have been introduced and explains operator's requirements at paragraph 26.
- To add reference to what this Council expect Operators to take into account when conducting their risk assessments. These risk assessments will form part of the inspection regime at paragraphs 27 to 27.5.
- To add reference to the local are profile for this authority which will be covered under the risk assessments required under the LCCP at paragraph 28.

3 Overview and Scrutiny Consideration

- 3.1 The proposed policy was placed before the Overview and Scrutiny Board on the 13th October who did not make any recommended changes to the policy.

4 Options

- 4.1 Members have the option to either:

- a) Approve the proposed policy; or
- b) Not approve the policy and ask Officers to revise it

5 Preferred Option

- 5.1 The preferred option is to approve the policy as it represents the Council's intention to support the objectives set out by Parliament under the Gambling Act 2005.

6 Consultation

- 6.1 The proposed Gambling Policy Statement was drafted for purposes of consulting in June 2015 with some amendments suggested from the current policy.

The Consultation lasted for a thirteen week period in compliance with Cabinet Office code of practice. Copies of the consultation were circulated widely amongst licence holders and interested parties within the trade. A total of 3 responses were received.

The responses all relate to the new Risk Assessments and Local Area Profiles which are required under the Operator's Licence Conditions and Codes of Practice issued by the Gambling Commission. The general theme within the responses were that Operators are required to create their own risk assessments which promote the licensing objectives and that Council's should be mindful of creating excessive criteria in their requested risk assessments for all new and variation applications for Premises Licences.

When drafting our revised policy Officers have therefore amended the policy to ensure the risk assessments are clear and concise without being excessive but cover the potential issues when promoting the licensing objectives.

7 Financial Implications

7.1 None

8 Legal Services Comments

8.1 The Gambling Policy Statement sets out the principles the Council proposes to apply in exercising its functions under the Gambling Act during the three year period covered by the Statement. Under section 153 of the Gambling Act, the Council should aim to permit the use of premises for gambling in so far as the Council think it in accordance with the Gambling Policy Statement, any relevant code of practice or guidance issued by the Gambling Commission and it is reasonably consistent with the licensing objectives. (A Evans)

9 Co-operative Agenda

9.1 The proposed policy sets out the statutory functions of the Council and how it will support operators to comply with the licensing objectives and ensure they are fair, open and honest in the activities.

10 Human Resource Comments

10.1 None

11 Risk Assessments

11.1 Not applicable

12 IT Implications

12.1 None

13 Property Implications

13.1 None

14 Procurement Implications

14.1 None

15 Environmental and Health & Safety Implications

15.1 None

16 **Equality, community cohesion and crime implications**

16.1 There are no implications and crime features as an objective under the Gambling Act and is one of the cornerstones within the Act.

17 **Equality Impact Assessment Completed?**

17.1 No as there are no issues identified.

18 **Key Decision**

18.1 No

19 **Key Decision Reference**

19.1 Not applicable

20 **Background Papers**

20.1 The following is a list of the papers held by the contact officer:

- Working copies of the proposed policy
- Current version of the policy
- Copy of the Gambling Commission guidance
- Responses to the consultation

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21 **Appendices**

21.1 Appendix 1 – Proposed Gambling Policy 2016