

## LICENSING COMMITTEE

21 JUNE 2018

### REPORT OF THE ASSISTANT DIRECTOR, GROWTH AND REGENERATION

#### REVISED GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (POLICY STATEMENT) 2019 - 2022

#### Recommendations

Members are requested to consider this report and to present comments and amendments they may wish to make in respect of the Statement of Principles at their meeting on the 11 October 2018.

#### Purpose

It is a requirement of the Gambling Act 2005 that the Council consults and publishes a revised Statement of Principles in respect of the requirements of the Act.

#### Executive Summary

The Gambling Act 2005 (the Act) requires the Council to prepare and publish a statement of the principles (policy statement) that it proposes to apply in exercising its functions under the Act. The policy statement at Appendix 1 under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time. This report sets out the timeline for the policy statement upon which the Council proposes to consult. The relevant documents will also be provided on the Tamworth BC's web site, [www.tamworth.gov.uk](http://www.tamworth.gov.uk).

Action	Date
Revised Statement of Principles published for consultation	1 July 2018 – 30 September 2018
Licensing Committee receive revised Statement of Principles for comment	11 October 2018
Cabinet to make a recommendation to full Council	8 November or 29 November 2018
Council for adoption	11 December 2018

#### Background

Tamworth Borough Council is the Licensing Authority and is responsible for licensing and overseeing local gambling establishments. The Council's current Gambling Act policy statement will cease to have effect on the 31 March 2019, however the Gambling Commission have instructed that local authorities must prepare and publish the next policy by the 3 January 2019, with it coming into force

on 31 January 2019. The timetable to undertake the necessary legal process has been set accordingly.

### **Key Changes**

Officers are currently working with Shropshire and Staffordshire Local authority licensing practitioners to produce Countywide revisions to the policy statement to reflect the latest guidance issued to licensing authorities by the Gambling Commission. Additionally, private and public sector agencies will have an opportunity during the consultation to develop the policy.

In particular:

a) It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the revised policy statement emphasises the Council's focus on protecting children and young people, particularly in relation to child exploitation, and also young people and adults with care and support needs.

b) Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Whilst not compulsory, it is now recommended that the Council creates a 'local area profile', this is included as part of the policy statement, to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. Since April 2016, gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'. It is anticipated that the Council's 'local area profile' will develop over time and will be influenced by information and intelligence from key partners and other stakeholders.

The Gambling Act singles out children, young persons and adults with care and support needs for special regulatory attention and the proposed policy statement does focus on protecting these particular groups. However, in relation to gambling activities, the question as to who is vulnerable, why and under what circumstances, has been subject to little investigation. As and when further research and guidance is made available on this, together with other emerging information, trends and risks, the Council will have to consider the implications for both its 'local area profile' and policy statement accordingly.

### **Financial Implications**

The majority of fees chargeable are fixed at national level with officer time to monitor the service. Additionally, a cost will be incurred to place a legal notice in a newspaper to advertise the fact that the policy has been published. This cost will be approximately £700 and is recoverable through the licensing fee process.

### **Legal/Risk Implications**

The publishing of a Statement of Principles is a legal obligation of the Council and collaborative working across the Region reduces the scope for challenge from national Companies.

The overall impact on all groups with protected characteristics and those who are likely to be impacted in terms of social inclusion is anticipated to be low in terms of access to and use of services that are affected by the revised policy statement. However, the Council's ability to further tackle and eliminate discrimination, advance equality of opportunity and foster good relations is overall more likely to be positive. This is largely due to the proposed policy statement being drawn up in line with the requirements of both national legislation and national guidance (both of which will have been subject to equalities impact assessments in their own right by the Government and the Gambling Commission respectively), together with the fact that the proposed policy statement is a revision of the principles that were adopted on 1 April 2016 and the formal consultation feedback did not directly raise any equality, diversity or social inclusion issues that had not previously been considered during the drafting of the proposed policy statement.

There is no anticipated environmental impact associated with the recommendations in this report.

The recommendation is not at variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications. The recommendation is in line with relevant legal procedures prescribed by the Act and with guidance issued by the Gambling Commission.

The Act requires the Council to consult. The report's recommendation is specifically aimed at providing the Committee with the wherewithal to set the formal consultation process in motion.

## **Sustainability**

The services for the regulation of Gambling contribute to the strategic priority of being healthier and safer in Tamworth.

### **REPORT AUTHOR**

*"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head Of Environmental Health. Ext 437"*

### **LIST OF BACKGROUND PAPERS**

1. Guidance to Licensing Authorities 5<sup>th</sup> edition  
<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>
2. Gambling Commission Guidance to Public Health  
<http://www.gamblingcommission.gov.uk/PDF/public-health-and-gambling-joint-letter-jan-2018.pdf>

## **APPENDICES**

1. Draft Revised Gambling Policy 2019-2022.