

LICENSING COMMITTEE

11 OCTOBER 2018

REPORT OF THE ASSISTANT DIRECTOR, GROWTH AND REGENERATION

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

Recommendations

That Committee recommend the revised Policy Statement for approval at Cabinet.

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 Tamworth Borough 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 under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time. The timelines for the approval and adoption of the policy are below.

| Action | Date |
|--|--------------------------------|
| 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 worked with Shropshire and Staffordshire authorities, councillors and consultees to produce revisions to the policy statement to reflect the latest guidance issued to licensing authorities by the Gambling Commission. 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 wholly 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 the remainder set by individual authorities, it is intended that maintenance of the service will be self-financing. Additionally, a cost of around £700 will be incurred to place a legal notice in a newspaper to advertise the fact that the policy has been published. This cost 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 5th 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.
2. Revisions.
3. Consultation comments.

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