

29 NOVEMBER 2018

- **REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITIES AND PUBLIC HEALTH**

**REVISED GAMBLING ACT 2005 STATEMENT
OF PRINCIPLES 2019 - 2022****EXEMPT INFORMATION**

NIL.

PURPOSE

It is a requirement of the Gambling Act 2005 that the Council publishes a revised Statement of Principles in respect of the requirements of the Act by 3 January 2019. Following appearances before Licensing Committee on 21 June, 11 October 2018 & Infrastructure and Growth Committee on 23 October 2018 and a consultation between 11 July - 30 September 2018, a revised Statement of Principles has been prepared and is included at **Appendix 1** of this report.

RECOMMENDATIONS

That Cabinet endorses the Statement of Principles and recommends them to Council for adoption.

EXECUTIVE SUMMARY

Section 349 of the Gambling Act 2005 requires Tamworth Borough Council, as a licensing authority, prepare and publish a Statement of Principles every three years. The Council's Statement of Principles is due for revision by January 2019. The Statement will last for a 3 year period but may be reviewed at any time prior to this by the authority. 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, these are briefly summarised at **Appendix 2** and a link to the document is provided later in this report. 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.

Details of the consultation undertaken are contained within **Appendix 3**. As mentioned above, comments from the Consultation and Committees have been incorporated into the Statement where appropriate. It is a further requirement of the Act that the revised Principles must be approved at a full meeting of full Council.

RESOURCE 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 will be met from budgets within the service

LEGAL/RISK IMPLICATIONS

The publishing of a Statement of Principles is a legal obligation of the Council.

Community Safety - (Crime and Disorder Act 1998). The objectives of the Gambling Act seek to ensure that communities are protected from unfair trading, crime and disorder and that vulnerable people and children are not exploited in any way by gambling.

Equality & Diversity – The impact of these proposals is assessed as ‘low’ against the Council statutory responsibilities.

Safeguarding - One of the key objectives of the Gambling Act 2005 is ‘Protection children and other vulnerable persons from being harmed or exploited by gambling. Tamworth Borough Council’s Child Protection Team, are a Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health – The Licensing and Public Health teams work together within the council to ensure that the health impacts of Gambling are considered. With the Commissions proposed changes which offer Licensing Authorities the opportunity to carryout local area profiles, which will draw data about risk from a number of bodies including public health or to require operators to carry out their own premises risk assessments, Public Health will have a greater role in ensuring the vulnerable are better protected.

Reputation – The implementation and enforcement of the Gambling legislation will enhance the Council’s reputation. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Tamworth Borough Council in a position of being unable to undertake its statutory responsibilities and functions under the Act.

SUSTAINABILITY IMPLICATIONS

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

BACKGROUND INFORMATION

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

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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