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**Report of Assistant Chief Executive (Citizens and Communities)**

**Report to Executive Board**

**Date: 21<sup>st</sup> October 2015**

**Subject: Gambling Act 2005 Statement of Licensing Policy**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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**Summary of main issues**

1. Every three years the Council is required by the Gambling Act 2005 to review the Gambling Act 2005 Statement of Licensing Policy (Licensing Policy), and to consult upon any changes.
2. The three yearly review is taking place this year and officers have reviewed the current policy and made suggestions in line with changes to Gambling Commission's Licence Conditions and Codes of Practice. The public consultation took place April to June. The consultation report and final draft of the policy was reviewed and endorsed by Licensing Committee on 7<sup>th</sup> July.
3. Executive Board heard the matter at the July meeting and referred the matter to Scrutiny Board (Citizens and Communities). The matter was heard at their September meeting.

**Recommendations**

4. That Executive Board considers the contents of the report which includes the comments from Scrutiny Board (Citizens and Communities) and refers the matter to full Council for approval.

## **1 Purpose of this report**

- 1.1 To advise Executive Board of the comments from Scrutiny Board (Citizens and Communities) and to request that Executive Board refer the matter to full Council for approval in accordance with the Budgetary and Policy Framework.

## **2 Background information**

- 2.1 Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31<sup>st</sup> January 2007.
- 2.2 The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

## **3 Main issues**

- 3.1 This will be the fourth time that the council has reviewed and amended the Gambling Act 2005 Statement of Licensing Policy (the policy).
- 3.2 The approval of the policy follows the Budgetary and Policy Framework. This report provides the comments made by Scrutiny Board in September.
- 3.3 Scrutiny Board heard a report from the Head of Elections, Licensing and Registration which outlined the main changes to the existing policy and the consultation responses.
- 3.4 Scrutiny Board considered the matter of the minor change made to clarify one part of the policy, and also considered the contents of the policy and the consultation responses.
- 3.5 The key areas of discussion were:
  - The health impacts of gambling – whilst acknowledging that health-related issues linked to gambling were being addressed under the current objective linked to protecting children and other vulnerable persons, Members questioned what work was being undertaken nationally to make public health a specific licensing objective under the Gambling Act? It was noted that the LGA continues to call for the introduction of a public health objective but also acknowledges that other new initiatives linked to local risk assessments are being progressed to help explore area-based vulnerability and gambling related harm.
  - Local Area Profiles – the Board welcomed the introduction of Local Area Profiles aimed at informing local risk assessments. However, the Board identified the need for such profiles to be compiled in conjunction with local Community Committees as well as Community Hubs.

- Identifying the impacts of gambling on communities – Members agreed that further research is needed in this regard which would also help inform Local Area Profiling.
- Social Inclusion Fund – it was noted that Community Committees could apply for Social Inclusion Funding to help address any social impacts relating to gambling within their localities.
- Enforcement of the Policy – Members raised concerns regarding children accessing gaming machines and noted that applicants and existing licensees must satisfy the Council that there will be/are sufficient measures to ensure under 18 year olds do not have access to their premises. Reports of any breaches should therefore be reported to the Council.
- Members welcomed the ongoing partnership working with the LGA, the Gambling Commission and other local authorities in this regard.

3.6 The final draft of the policy is attached at Appendix A.

3.7 The approval of the policy is a matter for full Council. The approval process follows the Budgetary and Policy Framework. The suggested timescale for approval is as follows:

Executive Board	15 <sup>th</sup> July 2015
Scrutiny Board	14 <sup>th</sup> September 2015
Executive Board	21 <sup>st</sup> October 2015
Council	11 <sup>th</sup> November 2015

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The licensing policy is subject to a statutory consultation which was undertaken between April and June. The council received four responses to the consultation which were discussed by Licensing Committee at their July meeting and by Scrutiny Board in September. The responses were included in the Consultation Report which was attached to the July Executive Report and are available on request.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 The Gambling Act 2005 has three licensing objectives:

- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- b) ensuring that gambling is conducted in a fair and open way, and
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.2.2 The licensing authority, in exercising their functions under the Act, shall aim to permit the use of premises for gambling in so far as it thinks its reasonably consistent with the licensing objectives.

4.2.3 Therefore the council has produced a Statement of Licensing Policy with this in mind and has taken special consideration of the protection of children and vulnerable people.

4.2.4 The Licensing Policy review process is subject to a EDCI Assessment, and a screening form has been completed. It is attached at Appendix B.

### **4.3 Council Priorities and Best Council Plan**

4.3.1 The Statement of Licensing Policy sets out the principles the council will use to exercise its functions under the Gambling Act 2005. Applicants for licences and permits for gambling are expected to read the Policy before making their application and the council will refer to the Policy when making its decisions.

4.3.2 The licensing regime contributes to the following Best Council Plan 2015-20 outcomes:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us.

4.3.3 The licensing regime is linked to the Best Council Plan objectives:

- Supporting communities and tackling poverty, and
- Becoming a more efficient and enterprising council

### **4.4 Resources and value for money**

4.4.1 A review of the effectiveness of specific consultation methods has been instrumental in reducing costs. The public consultation of the policy is now mostly undertaken by email, which has helped reduce the cost further.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The development of a policy under the Gambling Act 2005 is a matter for full Council and follows the Budgetary and Policy Framework which requires that Executive Board refers this matter to Scrutiny Board (Citizens and Communities) and then for it to be further considered by Executive Board before being recommended to full Council for approval. Therefore this report is not available for call in as it has already been considered by Scrutiny.

### **4.6 Risk Management**

4.6.1 Executive Board has the option of not referring the revised Policy to full Council at this time, and requesting that further work is undertaken. This would impact on the policy approval timescales. A revised policy must be in place by January 2016 in order for the council to continue determining gambling licences and authorisations under the Gambling Act 2005.

## **5 Conclusions**

- 5.1 The Statement of Licensing Policy is under statutory review. A public consultation has been undertaken and the policy reviewed based on the comments received. The final draft policy and the consultation report were endorsed by Licensing Committee. Under the Budgetary and Policy Framework Executive Board referred the policy to Scrutiny Board who have provided their comments. It is now for Executive Board to consider those comments and if accepted, refer the matter to full Council in November 2015.

## **6 Recommendations**

- 6.1 That Executive Board consider the contents of the report which includes the comments from Scrutiny Board (Citizens and Communities) and refers the matter to full Council for approval.

## **7 Background documents<sup>1</sup>**

- 7.1 There are no unpublished background documents that relate to this matter.

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<sup>1</sup> The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.