

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Executive Manager - People and Public Protection

To: Committee of the Licensing Authority Thursday, 19 July 2018

(Author: Donna Hall Licensing and Business Support Manager)

Subject Gambling Act Policy

Purpose: Consideration of the draft revised Gambling Policy (Statement of Principles) prior to it being issued for consultation.

Recommendation(s):

- 1) That the Committee consider the amended Council's Gambling Policy (Statement of principles) as shown at Appendix A of this report, prior to it being issued for consultation

1.0 BACKGROUND

- 1.1 Section 349 of the Gambling Act 2005 requires the Council (the Licensing Authority) to prepare and publish a Statement of the Principles (Gambling Policy) that it proposes to apply in exercising its licensing functions. The statement will last for a maximum of three years, but can be reviewed and revised by the Authority at any time. This Authority's current statement took effect in January 2016 and so the required review process must be completed by the end of 2018 to enable publication in January 2019. This report summarises the proposed amendments to the Policy.
- 1.2 The Gambling Act 2005 places the responsibility for the licensing of gambling premises and the issuing of gambling permits with Local Authorities, with the associated responsibility for ensuring that the conditions on these licences are upheld. Amongst other matters the 2005 Act deals with the licensing of:
 - Casinos
 - Betting shops
 - Bingo halls
 - Amusement arcades
 - Gaming machines
 - Society lotteries
- 1.3 The Act requires Licensing Authorities to prepare, consult on and publish a Statement of Licensing Principles (Gambling Policy) that they propose to apply in exercising their functions under the Act during the 3 year period to which the policy applies.
- 1.4 Core to the Gambling Act are the licensing objectives. These are:

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

1.5 Section 349 (3) of the 2005 Act requires the Licensing Authority to consult the following on its licensing policy statement or any subsequent revision:

- The Chief Officer of Police
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act

The list of persons to be consulted when preparing the licensing policy statement is deliberately wide. This enables Licensing Authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Licensing Policy statement.

1.6 Section 154 of the 2005 Act indicates that adoption of the Statement of Principles (Gambling Policy) cannot be delegated to the Committee of the Licensing Authority, therefore full Council must adopt the final document. This is different to the granting of gambling premises licences which the Act automatically delegates to the Committee of the Licensing Authority. It is proposed that the Council meeting on 28th November will consider the final version of the proposed revised policy. The timetable for the process is below:

19th July 2018: Draft policy to be considered by the Committee of the Licensing Authority

23rd July 2018: Draft Policy issued for consultation

19th September 2018: Draft amended policy to be considered by the Policy Development Panel

12th October 2018: Closing date for consultation responses

8th November: Consultation results to be considered by the Committee of the Licensing Authority. Any appropriate amendments to be made and then recommend the revised Policy to the Council for adoption.

28th November 2018: Revised policy to be adopted by the Council

31st January 2019: Revised policy to come into force

1.7 We have reviewed the current Gambling Policy in light of experience in dealing with gambling premises and issues over the last three years, as well as considering the Gambling Commission guidance to Licensing Authorities.

Proposed significant changes to the policy are in red and some are identified below:

- A) Part A section 1 of the policy provides additional information about how we promote safe gambling practices.
- B) Part A section 2 of the Policy now clarifies the relationship with the Planning process
- C) Part A section 4 confirms that Lincolnshire Safeguarding Children Board is the responsible authority to advise on the protection of children from harm.
- D) Part A section 5, provides more detail on the definition of “interested parties” and how the Licensing Authority will determine these.
- E) Part A section 6 provided the up to date position on how and who the council exchanges information with in relation to gambling, enabling compliance with the 2005 Act and current data protection legislation.
- F) Part B section 1 has been expanded to provide additional safeguards for protecting children and vulnerable adults from being harmed and exploited by gambling. For example, the Licensing Authority will consider recommending measures such as: staff training (to include training on dealing with truancy and vulnerable persons); provision of CCTV with images retained for 28 days.
- G) Part B section 2 has extended the measures that the Licensing Authority may consider in relation to Adult Gaming Centres such as Think 21, notices in relation to “GamCare”, self exclusion schemes etc.
- H) Part B section 3 now recommends an extended list of measures that the Licensing Authority may consider in relation to Licensed Family Entertainment Centres.
- I) Part B section 6 makes additional recommendations in respect of the circumstances to be considered in limiting the number of betting machines at a betting premises.
- J) Part B section 12 has been included to provide more detail on the Think 21 Policy
- K) Part B section 13 has been included to explain this Authority’s stance on test purchasing
- L) Part B section 14 has been included to advise that credit facilities should be prohibited from casinos and bingo premises. Cash machines (ATMs) may be installed but conditions may be applied to where they are sited.
- M) Part B section 15 has been added to explain the situation regarding Local Risk Assessments which gambling operators are now required to undertake for new premises, and for existing premises when certain triggers are met.

N) Part B section 16 explains the new recommendation from the Gambling Commission for Licensing Authorities to produce a Local Area Profile.

O) Appendix 5 and 6 have been added to the policy to provide more detail about safeguarding children and vulnerable adults.

2.0 **OPTIONS**

2.1 The options for the Committee are limited as the process is legislative and dictated by the Gambling Act 2005. The Council has no discretion as to making the Statement of Principles, although there is some discretion as to the content of the statement.

2.2 The Committee of the Licensing Authority are asked to review the draft policy and agree for it to be issued for consultation

2.3 Do nothing

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 To ensure that South Holland District Council, acting as the Licensing Authority, can meet its statutory duties under the Gambling Act 2005.

4.0 **EXPECTED BENEFITS**

4.1 The expected benefit is having a transparent and up to date policy on gambling, and enabling compliance with our statutory obligations under the Gambling Act 2005.

5.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 **Carbon Footprint / Environmental Issues**

5.1.1 The consultation document will be emailed to consultees where possible to reduce paper printing and paper. The document will also be available on the Council's website.

5.2 **Constitutional & Legal**

5.2.1 It is a statutory requirement that the Licensing Authority produces a Statement of Principles that it proposes to apply in exercising its functions under the Gambling Act 2005 and that it reviews it every three years. If the Authority does not produce a revised policy within the statutory timescale, there is a risk that the Authority will not be in a position to process

applications, leaving the Authority open to challenge.

5.3 **Corporate Priorities**

5.3.1 This policy supports the corporate priorities:

- To develop safer, stronger, healthier and more independent communities whilst protecting the most vulnerable
- To provide the right services, at the right time and in the right way
- To encourage the local economy to be vibrant with continued growth

5.4 **Crime and Disorder**

5.4.1 Lincolnshire constabulary are a consultee on this policy. There are criminal offences under the Gambling Act 2005 and so the policy will support businesses to comply with the law.

5.5 **Equality and Diversity / Human Rights**

5.5.1 The policy addresses how human rights are considered in respect of enforcement action and also addresses information sharing and data protection.

5.6 **Health & Wellbeing**

5.6.1 The policy addresses how children and vulnerable adults should be protected from gambling related harm including addiction and financial exploitation.

5.7 **Safeguarding**

5.7.1 The new policy covers safeguarding of children and vulnerable adults in more detail and now includes additional appendices to explain in more detail the risks and how these can be managed.

5.8 **Stakeholders / Constitution / Timescales**

5.8.1 Full consultation will be carried out as detailed in this report and within the policy. Consultation will include responsible authorities and other parties listed in Appendix 2 of the policy.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 The policy applies to all wards

Background papers:- [Gambling Commission Guidance for Licensing Authorities
http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx](http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx)

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A Draft Gambling Policy (Statement of Principles) 2019