

Title of Report:	Gambling Act 2005 - Draft Revised Statement of Licensing Policy on Gambling 2015
Report to be considered by:	Licensing
Date of Meeting:	22 September 2015
Forward Plan Ref:	

Purpose of Report: To consider the draft revision of the Statement of Licensing Policy on Gambling, prior to statutory consultation

Recommended Action: To approve the revised version of the policy prior to the statutory consultation

Reason for decision to be taken: Statutory requirement

Other options considered: None

Key background documentation: Local Government Association and the Gambling Commission's Licence Conditions and Codes of Practice.

Published Works: Gambling Act 2005.

<p>The proposals will help achieve the following Council Strategy aims:</p> <p><input checked="" type="checkbox"/> P&S – Protect and support those who need it</p> <p>The proposals contained in this report will help to achieve the following Council Strategy priority:</p> <p><input checked="" type="checkbox"/> P&S1 – Good at safeguarding children and vulnerable adults</p>
<p>The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by:</p> <p>Informing the public and gambling industry of the council's policy</p>

Portfolio Member Details	
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Date Portfolio Member agreed report:	11 September 2015

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Implications

Policy:	The Gambling Act 2005 requires that the Council produce and publish a statement of principles every three years.
Financial:	None
Personnel:	None
Legal/Procurement:	It is a legal requirement to publish a policy
Property:	None
Risk Management:	None

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at http://intranet/EqIA			<input checked="" type="checkbox"/>
Not relevant to equality			<input type="checkbox"/>

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 This report sets out the Statement of Licensing Policy on Gambling for consideration prior to consultation. The draft document has been amended from the existing policy which must be revised, if necessary, and published by the 31st January 2016. The revised document includes advice to Local Authorities from the Local Government Association and the Gambling Commission's Licence Conditions and Codes of Practice. The amendments are highlighted in the attached Appendix of the existing Licensing Policy.

2. Proposals

- 2.1 Members are requested to confirm the content of the draft Statement prior to the statutory consultation exercise.

3. Equalities Impact Assessment Outcomes

- 3.1 The policy will be consulted upon widely with gambling operators, the general public, those organisations that protect the young and those who may be vulnerable before being presented to the Council for approval prior to being published.

4. Conclusion

- 4.1 The Council has a mandatory duty to publish a statement of principles (policy) no later than the 31st January 2016.

Executive Report

1. Introduction

- 1.1 Under the Gambling Act 2005, the Council is required to review and consult upon its Statement of Licensing Policy on Gambling every three years from the date of adoption. The present Statement was published on 31 January 2013 and therefore must undergo a review and be published again on or before 31 January 2016.
- 1.2 The Statement must be produced following consultation with those bodies and persons set out in subsection (3) of section 349 of the Act. This includes the Chief Officer of Police, persons who represent the interests of persons carrying on gambling businesses in the area and persons who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 1.3 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a Statement of Policy on Gambling that they propose to apply in exercising their functions under the Act. The Statement will last for a maximum of three years and can be reviewed and revised by the authority at any time.
- 1.4 The existing statement has so far been found to be suitable for its purpose. This policy was subject to an extensive consultation exercise in 2009. Amendments to the policy have now been made following guidance issued by the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP) and the Local Government Association in early 2015. These amendments are shown as tracked changes in the existing document as Appendix One.
- 1.5 The main changes included are the Council's approach to compliance and enforcement, for example what the inspection regime looks like and how the Local Authority will manage illegal gambling activity and the Council's expectations of operators. This could be in general terms, an expectation on all operators, or expectations of a sub-sector of the industry. Expectations might include the operator sharing information with the Local Authority; it might be participation in social responsibility schemes.
- 1.6 As operators are required to develop their own premises specific risk assessment by 6 April 2016 it is important that the Council provides a clear indication of what factors, as a non-exclusive list, it expects to be taken into account.
- 1.7 The underlying principle of the 2015 social responsibility review and the LCCP changes are that responsibility for delivering the licensing objectives rests with gambling operators.

2. Risk Assessments by Operators (section 7 of the Statement)

- 2.1 The Statement is an opportunity for the Council to set out its expectations of the local risk assessments that operators must undertake in respect of all gambling premises.
- 2.2 Operators now have an obligation to produce a local risk assessment, which will assist the Council when it is considering applications etc. (i.e. similar to an operating

schedule under the Licensing Act 2003 provides information about the local premises). The specific detail in relation to this new requirement follows:

- 2.3 From the 6 April 2016 all non-remote licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments licensees must take into account relevant matters identified in the Council's Statement of Licensing Principles (Social Responsibility Code 10.1.1).
- 2.4 From the 6 April 2016 local risk assessments must be reviewed when there are significant changes in local circumstances (including those identified in a Local Authority's Statement of Policy on Gambling) or at the premises, or when applying for a new licence or variation of a licence (Social Responsibility Code 10.1.2).
- 2.5 Operators are not automatically required to share their risk assessments with local authorities except when they are applying for a new premises licence or to vary an existing one. The Council may use the Statement to clarify whether or not and how regularly they expect to receive a copy of each premises' risk assessment.
- 2.6 The Council will wish to ensure that the risk assessment covers the following broad headings:
 - Reference to any specific local risks (linked to the local area profile)
 - How the operator proposes to mitigate these risks
 - How the operator will monitor specific risks.
- 2.7 The key point is that the statement is an opportunity to clarify the Council's expectations of businesses in relation to new applications, reducing the input and resources required at the time an application is submitted.
- 2.8 In line with the above changes a new section 7 has been inserted to cover the new mandatory requirements which apply to risk assessments.

3. Local Area Profiles (LAP)

- 3.1 The updated guidance and GLA Special Bulletin April 2005 recommends that, like operators, licensing authorities complete and map their own assessment of local risks and concerns by developing local area profiles to help shape their statements (although there is no requirement to do this).
- 3.2 In simple terms, the objective of the profiles is to set out what our area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the Local Authority and operators.
- 3.3 LAP's will help the Council to develop its expectations of existing operators and new applicants in the Local Authority area. The Statement of Policy on Gambling is the key tool for setting this out clearly; so that operators are clear what is expected of them.
- 3.4 The Commission's draft guidance to Local Authorities says - completion of a profile is not a mandatory requirement and if an authority chooses not to develop a specific

local area profile, they may wish to set out in their policy statement what they would expect local operators to include in their premises risk assessments.

- 3.5 Based on local knowledge and taking into account information held by the Council and after speaking to its partners, the Local Authority found no evidence of any gambling issues that would currently inform to develop a local area profile.
- 3.6 In line with the above, new paragraphs have been inserted under section 5 of the Policy which outlines the council's position in respect of the formation of a local area profile.

4. Primary Authority Agreements

- 4.1 The recent change in legislation has now seen a number of councils sign primary authority agreements with some of the largest gambling operators covering the issue of age verification, which is an area recently added to the scheme.
- 4.2 As with any other area, licensing authorities should therefore have regard to the plan agreed between the company and primary authority in developing their own programmes of activity and inspection.

Appendices

Appendix A - West Berkshire Council's Statement of Principles

Consultees

- Local Stakeholders:** Residents of West Berkshire, gambling operators
- Officers Consulted:** Emilia Matheou Licensing Officer, Brian Leahy Team Manager Licensing
- Trade Union:** None