

Individual Executive Member Decision

Policies for Lottery License

Committee considering report:	Individual Executive Member Decision
Date ID to be signed:	25 October 2018
Portfolio Member:	Councillor Anthony Chadley
Date Portfolio Member agreed report:	13 September 2018
Forward Plan Ref:	ID3645

1. Purpose of the Report

- 1.1 To adopt the standard set of required policies for the Councils Gambling Commissioning Operators Licence required to deliver local lottery scheme in West Berkshire.

2. Recommendation(s)

- 2.1 The required policies are adopted.

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** The five required policies are attached as appendices.
- 3.3 **Personnel:** None
- 3.4 **Legal:** Risk of legal challenge without policies in place.
- 3.5 **Risk Management:** Policies are to set out the Council approach to managing any associated risks.
- 3.6 **Property:** None
- 3.7 **Other:** N/A

4. Consultation Responses

Members:

Leader of Council:

**Overview & Scrutiny
Management**

Commission Chairman:

Ward Members:

Opposition

Spokesperson:

Local Stakeholders:

Officers Consulted: Paul Anstey – Head of Public Protection
James Gore – Data Protection Officer

Trade Union:

5. Other options considered

5.1 N/A

6. Introduction/Background

6.1 The Council Executive agreed the proposal to establish a local lottery scheme in West Berkshire in July 2018.

6.2 This conditions of the licence requires the Council to have in place a standard set of policies to cover the following areas:

- (1) Fair and Open Gambling
- (2) Children and Vulnerable Persons Protection
- (3) Social Responsibility in Gambling
- (4) Protection from Source of Crime and Disorder
- (5) Implementation of Procedures

6.3 These policies are a standard suite provided to the Council as part of the Aylesbury Vale District Council Lottery Implementation Service which has been secured on the basis of their established track record of providing support to other Councils and a good success rate.

6.4 The lead Portfolio Member Councillor Anthony Chadley reviewed and agreed the policies with the support of the Head of Commissioning and the lead officer for Aylesbury Vale on 13th September 2018.

7. Supporting Information

7.1 Attached as appendices.

8. Options for Consideration

8.1 To adopt the policies as presented in the appendices of this report.

9. Proposal(s)

9.1 The policies are agreed and adopted.

10. Conclusion(s)

10.1 For the local lottery scheme to progress in West Berkshire five specific policies need to be in place to support the licence application. This will be achieved by the process of this Individual Decision to adopt the standard suite of policies provided as part of the support package the Council has purchased from Aylesbury Vale District Council.

Background Papers:

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected:

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim(s):

- BEC – Better educated communities**
- SLE – A stronger local economy**
- P&S – Protect and support those who need it**
- HQL – Maintain a high quality of life within our communities**
- MEC – Become an even more effective Council**

The proposals contained in this report will help to achieve the following Council Strategy priority(ies):

- BEC1 – Improve educational attainment**
- BEC2 – Close the educational attainment gap**
- SLE1 – Enable the completion of more affordable housing**
- SLE2 – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy**
- P&S1 – Good at safeguarding children and vulnerable adults**
- HQL1 – Support communities to do more to help themselves**
- MEC1 – Become an even more effective Council**

Officer details:

Name: June Graves
Job Title: Head of Commissioning
Tel No: 01635 519733
E-mail Address: june.graves@westberks.gov.uk

11. Executive Summary

- 11.1 The Council Executive agreed the proposal to establish a local lottery scheme in West Berkshire in July 2018.
- 11.2 This conditions of the licence requires the Council to have in place a standard set of policies to cover the following areas:
- (1) Fair and Open Gambling
 - (2) Children and Vulnerable Persons Protection
 - (3) Social Responsibility in Gambling
 - (4) Protection from Source of Crime and Disorder
 - (5) Implementation of Procedures
- 11.3 These policies are a standard suite provided to the Council as part of the Aylesbury Vale District Council Lottery Implementation Service which has been secured on the basis of their established track record of providing support to other Councils and a good success rate.
- 11.4 The lead Portfolio Member Councillor Anthony Chadley reviewed and agreed the policies with the support of the Head of Commissioning and the lead officer for Aylesbury Vale on 13th September 2018.

12. Conclusion

- 12.1 For the local lottery scheme to progress in West Berkshire five specific policies need to be in place to support the licence application. This will be achieved by the process of this Individual Decision to adopt the standard suite of policies provided as part of the support package the Council has purchased from Aylesbury Vale District Council.

13. Appendices

- 13.1 Appendix A – Data Protection Impact Assessment
- 13.2 Appendix B – Equalities Impact Assessment
- 13.3 Appendix C – Supporting Information
- 13.4 Appendix D – Fair and Open Gambling
- 13.5 Appendix E – Children and Vulnerable Persons Protection
- 13.6 Appendix F – Social Responsibility in Gambling
- 13.7 Appendix G – Protection from Source of Crime and Disorder
- 13.8 Appendix H – Implementation of Procedures

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Commissioning
Team:	Commissioning
Lead Officer:	June Graves
Title of Project/System:	Local Lottery
Date of Assessment:	3. 9.18

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	x
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	x
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	x
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>	<input type="checkbox"/>	x
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	x
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	x
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><i>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</i></p>	<input type="checkbox"/>	x

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To approve the five policies required to progress the establishment of a Council Lottery Scheme in West Berkshire.
Summary of relevant legislation:	n/a
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	June Graves
Date of assessment:	3 September 2018

Is this a:		Is this:	
Policy	Yes/No	New or proposed	Yes
Strategy	Yes/No	Already exists and is being reviewed	Yes/No
Function	Yes/No	Is changing	Yes/No
Service	Yes/		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To generate more income for the Council
Objectives:	To approve required policies
Outcomes:	To provide a sound policy basis for the operation of the lottery scheme in West Berkshire.
Benefits:	To provide additional finances for the Council both directly and indirectly by supplementing statutory and non-statutory services already provided by WBC.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	There is potential for	

	positive effect if and when the scheme is implemented	
Disability	There is potential for positive effect if and when the scheme is implemented	
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	/No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	/No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	

Timescale for Stage Two assessment:	
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Name: June Graves

Date: 3 September 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.