

| <b>Policy Development and Review Committee Meeting</b> |   |
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| <b>Meeting Date</b>                                    | 19 <sup>th</sup> July 2018  |
| <b>Report Title</b>                                    | Draft Statement of Principles for Gambling Act 2005   |
| <b>Cabinet Member</b>                                  | Cllr Mike Cosgrove, Cabinet Member for Regeneration   |
| <b>SMT Lead</b>  | Mark Radford  |
| <b>Head of Service</b>                                 | Della Fackrell, Resilience and Licensing Manager  |
| <b>Lead Officer</b>                                    | Christina Hills, Licensing Officer  |
| <b>Key Decision</b>                                    | No  |
| <b>Classification</b>                                  | <b>Open</b>   |
| <b>Recommendations</b>                                 | <ol style="list-style-type: none"> <li>1. Members to note this report was first presented to General Licensing Committee on 12<sup>th</sup> July 2018</li> <li>2. Members to instruct officers further prior to an eight week consultation on the proposed revised Statement of Principles for Gambling 2019 – 2022, attached as <b>Appendix I</b></li> </ol> |

## **1 Purpose of Report and Executive Summary**

- 1.1 The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a Statement of Principles for Gambling Act 2005 policy. The existing Statement of Principles was published in January 2016 and is due for renewal by January 2019.
- 1.2 This report is to apprise Members of the proposed methodology to be followed in reviewing the Statement of Principles.
- 1.3 A draft Statement of Principles has been prepared and is attached as **Appendix I**

## **1 Background**

- 2.1 Swale Borough Council (the Council) is the Licensing Authority under the provisions of the Gambling Act 2005 (the Act). The Council is required to produce

- a 'Statement of Licensing Principles for Gambling' to demonstrate how applications received under the Act will be dealt with.
- 2.2 Section 153 of the Act requires that when exercising functions under the Act the Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority thinks it is in accordance with:
- a) any relevant code of practice;
  - b) any relevant guidance issued by the Gambling Commission;
  - c) is consistent with the licensing objectives (subject to a and b above), and;
  - d) the statement published by the authority under s.349 (Statement of Principles for Gambling).
- 2.3 The gambling objectives are:
- i) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
  - ii) ensuring that gambling is conducted in a fair and open way and
  - iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.4 The Gambling Commission 5<sup>th</sup> edition Guidance recommends a number of changes for local authorities that fall under three broad themes:
- a) increased focus on risk and regulation
  - b) greater attention to local risk; and
  - c) encouraging partnership and collaboration between stakeholders to mitigate risk
- 2.5 In particular the Commission recommends that local authorities create new and unique localised policies and also carry out an assessment of their local environment called a 'Local Area Profile' (LAP) to identify the local risk of gambling-related harm and to inform the Policy. Risk in this context includes potential and actual risk and can take into account possible future and emerging risks.
- 2.6 Completion of a LAP is not compulsory however it is recognised that there are significant benefits for both the Council and operators, in having a better awareness of the local area in relation to gambling-related risks. However, the creation of a LAP is dependent on information and knowledge of the local area and knowledge of the impact gambling may have. Officers intend to carry out an assessment to identify the areas of concern and publish a LAP separate to this Policy document. The reason for this is it will enable the LAP to be kept under regular review so that if amendments are considered necessary they can be made without the necessity of amending the full Policy.
- 2.7 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) formalise the need for operators to consider local risks.

- 2.8 Premises licence holders are required to 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 undertaking their risk assessments, they must take into account relevant matters identified in the Statement of Principles and any published Local Area Profile.

### **3 Proposals**

- 3.1 A draft Statement of Licensing Principles has been prepared using a model template as recommended by the Gambling Commission. This is shown as **Appendix I**.

### **4 Available Options**

- 4.1 It is a statutory requirement for the Council to have a current Statement of Licensing Principles in place covering the principles for its functions under the Act. The Authority is required to have an up to date policy and therefore should incorporate the 5th edition of the Gambling Commissions Guidance.

### **5 Consultation Undertaken or Proposed**

- 5.1 It is proposed to undertake an eight week consultation which will run from 23 July until 14 September 2018. Methods of consultation will be by advertising on the Council's website and in a local newspaper, by emails, post and social media.
- 5.2 The Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Licensing Authority Statement of Principles.
- 5.3 The Guidance further advises that, whilst licensing authorities will develop their own practices, they may like to consider consultation with faith groups, voluntary and community organisation working with children and young people, organisations working with people who are problem gamblers, medical practices or primary care trusts, and advocacy organisations such as the Citizens Advice Bureau.
- 5.4 Proposed consultees will therefore be:
- All Councillors
  - Parish Councils
  - Kent Police
  - Kent Fire and Rescue
  - Kent County Council Trading Standards
  - Gambling Commission

- Swale BC Planning Department
- Swale BC Environmental Health Department
- HM Revenue and Customs
- Children’s Safeguarding Services
- Relevant trade associations
- Any Premises Licence holders issued by Swale Borough Council
- Any Permit holders issued by Swale Borough Council
- Any Small Lottery Licence issued by Swale Borough Council
- GamCare
- Gamblers Anonymous UK
- NHS Swale CCG
- Samaritans
- Citizen Advice Bureau
- Responsible Gambling Trust

5.5 All incoming responses will be entered onto a grid for consideration. The Resilience and Licensing Manager together with licensing officers will conduct an evaluation of each response and give a recommendation as to whether or not to amend the policy statement. The grid and recommendations will be put before General Licensing Committee prior to formal adoption.

## 6 Implications

| Issue                            | Implications   |
|----------------------------------|--|
| Corporate Plan                   | <p>Making Swale a better place</p> <p>A Council to be proud of</p>   |
| Financial, Resource and Property | <p>Under the Act, the council has the power to recover its costs and set fees and charges at such a level that the process is cost neutral to the Council. There is however a statutory maximum fee that can be set for every licence type under the Act.</p> <p>The financial implications associated with the revision of the Statement of Principles will be financed from the Licensing budget.</p> <p>If at any time in the future the policy was subject to legal challenge, there could be costs associated with this process</p> |
| Legal and Statutory              | <p>Section 349(1) of the Act requires each licensing authority to prepare and publish a Statement of Principles to cover each period of three years.</p> <p>In preparing a Statement of Principles the regulations require licensing authorities to publish a notice of intention to publish a statement. The notice must:</p> <ul style="list-style-type: none"> <li>• specify the date on which the statement is to be published</li> </ul>  |

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|---------------------------------------|--|
|                                       | <ul style="list-style-type: none"> <li>• specify the date on which the statement will come into effect</li> <li>• specify the internet address where the statement will be published and the address of the premises at which it may be inspected</li> <li>• be published on the authority’s website and in/on one or more of the following places for at least four weeks before it comes into effect: <ul style="list-style-type: none"> <li>• a local newspaper circulating in the area covered by the statement</li> <li>• a public notice board in or near the principal office of the authority</li> <li>• a public notice board on the premises of public libraries in the area covered by the statement</li> </ul> </li> </ul> |
| Crime and Disorder                    | <p>Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Councils duties under Section 17 of the Crime and Disorder 1998 in that the objectives of the Act are:</p> <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime</li> <li>• Ensuring that gambling is conducted in a fair and open way</li> <li>• Protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul>   |
| Environmental Sustainability          | No implications  |
| Health and Wellbeing                  | No implications  |
| Risk Management and Health and Safety | It is important that Swale BC has a robust and accountable regulatory regime in relation to gambling in order to ensure fair trading, prevent crime and to protect consumers.  |
| Equality and Diversity                | The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.   |
| Privacy and Data Protection           | Normal data protection and privacy rules will apply.   |

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- **Appendix I:** Draft Statement of Principles for Gambling 2019 - 2022

## **8 Background Papers**

Gambling Act 2005

Gambling Commission Guidance to licensing authorities 5<sup>th</sup> edition September 2015

Gambling Commission's Licence Conditions and Codes of Practice (LCCP)