


‘A’ ITEM

	REPORT TO CABINET TO BE HELD ON 15 DECEMBER 2015	
	Key Decision	YES
Corporate Priority: Safe & Healthy Prosperous Inclusive and Vibrant Quality Environments	Cabinet Portfolio Holder	Insert here or put N/A Cllr Bill Chatt

REPORT OF THE DIRECTOR (LD) - 15/315**WARDS AFFECTED: ALL****SUBJECT: REVIEW OF COUNCIL’S GAMBLING POLICY 2015****RECOMMENDATION (S):**

To seek approval of the Council’s revised draft Gambling Licensing Policy post public consultation.

REASON FOR RECOMMENDATION (S):

In accordance with the requirements of the Gambling Act 2005 the Licensing Authority is required to publish a statement of policy every successive 3-year period. Following the conclusion of formal public consultation, the Policy has now been revised to cover the next successive 3-year period, i.e. 2016 to 2019.

HIGHLIGHTED RISKS:

If the Policy is not revised the Council risks not meeting the requirements of the Gambling Act 2005. In addition it is important for the Policy to remain consistent with amended guidance issued by the Gambling Commission and that it continues to reflect changes in legislation.

1. INTRODUCTION

- 1.1 Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a Statement of Principles in the form of a Gambling Licensing Policy. The Policy sets out the Council’s approach to licensing

premises used for gambling, such as amusement arcades, betting shops, casinos, bingo halls and pubs/clubs that provide gaming machines.

- 1.2 The Council's Policy has been revised on a number of occasions since it was first introduced in 2007, and is now due to be revised to cover the next 3-year period.
- 1.3 At Licensing Committee on 15 June 2015 and Cabinet on 16 June 2015 Members approved the revised draft Policy and instructed Officers to undergo a 3-month public consultation.
- 1.4 After consideration of the responses received during the consultation period, Members are asked to approve the amended draft Policy attached at **Appendix A**.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The issues raised in this report impact upon all four of the Council's objectives.

3. BACKGROUND AND ISSUES

- 3.1 The Licensing Authority is required to review, consult and publish its Statement of Gambling Policy every successive 3-year period. On 30 October 2006 the Council adopted its first Gambling Policy that came into effect on 31 January 2007 covering the 3-year period from 31 January 2007 to 30 January 2010.
- 3.2 The second Statement of Gambling Policy covering 2010 to 2013 was adopted on 11 May 2009, however this Policy was further amended in relation to the small casino process with a third statement adopted on 8 February 2010.
- 3.3 The Council's fourth draft Statement of Gambling Policy covering 2013 to 2016 was adopted on 5 November 2012. This current Policy is now due for review.
- 3.4 The draft Policy was submitted to the Licensing Committee pre-consultation on 16 March 2015, however following the Gambling Commission's belated announcement and publication of its revised draft Guidance to Licensing Authorities, the draft Policy was amended and re-submitted pre-consultation to the Licensing Committee on 15 June and Cabinet on 16 June 2015 respectively.
- 3.5 Post public consultation the draft Policy was then submitted to the Licensing Committee on 3 November where it was approved. Cabinet is asked now to approve the draft Policy for onward submission to full Council.

4. CONSULTATION

- 4.1 Following approval of the draft Policy, formal public consultation took place between 19 June and 19 September 2015.
- 4.2 Along with the statutory Gambling Act 2005 consultees, the draft Policy was widely circulated. Consultees were encouraged to comment on-line through a formal consultation questionnaire.
- 4.3 A total of 15 responses to the on-line questionnaire were received, 2 of which were from Parish Councils who did not seek to comment.
- 4.4 Out of the 13 responses, a total of 3 comments were received and these are included in **Appendix B**.
- 4.5 As a result of these comments a minor amendment has been made at paragraph G, requiring Operators to specifically include details of self-exclusion schemes where applicable in their risk assessments.
- 4.6 Four individual comments were received from Coral, The Association of British Bookmakers (ABB), Bourne Leisure Group Limited and The Campaign for Fairer Gambling (attached at **Appendix B**).
- 4.7 Coral support the document but state that they are not aware of any evidence of harm to the licensing objectives posed by the location of betting offices. In addition they suggest that local risk assessments should assess specific risks to the licensing objectives in the local area and whether control measures going beyond standard control measures are needed.
- 4.8 Bourne Leisure Group Limited operates non-remote bingo premises and asks the Licensing Authority to consider the extensive policies already implemented in terms of the local area risk assessment. In addition they state that without evidence to suggest these policies are insufficient, the Licensing Authority should not seek to duplicate existing Operator Licence requirements. Commenting on a local area profile, the operator suggests it must be based upon factual evidence of gambling related harm rather than theoretical risk, and that should the Licensing Authority seek to introduce a local area profile appropriate consultation takes place.
- 4.9 The Association of British Bookmakers (ABB) make similar comments regarding local area risk assessments and local area profiles to those raised by Bourne Leisure Group Limited. In addition they highlight the importance of partnership working and have made a number of specific Policy comments.
- 4.10 As a consequence of these comments, a number of amendments have been made to the Policy, in particular paras 1.6, 1.34, 1.35, 1.36, 1.54, 1.67, 1.74, 1.75 & 1.78 (details provided in Part 1 of the Policy). However, comments regarding Para 1.39 (referring to the LA applying specific measures to protect children at particular premises) have not being incorporated within the Policy

document as Officers believe this option should be open to the Licensing Authority where deemed necessary.

- 4.11 All three organisations promote the importance of appropriate management systems together with the role of the Gambling Commission and the requirements of the Regulatory Code.
- 4.12 The Campaign for Fairer Gambling highlights the importance of enforcement activities undertaken by Licensing Authorities and encourages the attaching of conditions to premises licence where there are concerns.
- 4.13 Since the introduction of the Gambling Act in 2007, no applications received by the Licensing Authority have ever attracted a representation from a member of the public or a responsible authority. Although this may broadly indicate gambling premises do not generate great concern in the local area, the Licensing Authority is not complacent in this matter and accepts that issues may be prevalent at some premises.
- 4.14 As the consultation has now been carried out, Members are asked to note the formal consultation comments submitted to Licensing Services on the draft Policy and Officers' responses at **Appendix B**.
- 4.15 In addition Members are asked to note the statistical analysis on the public questionnaire provided by the Council's Policy & Performance Unit attached at **Appendix C**.

5. ASSESSMENT

- 5.1 As formal consultation has now been completed, it is necessary for the draft Policy to be approved by Cabinet prior to its final adoption at Council on 11 January 2016 and subsequent publication.
- 5.2 If the draft Policy is not approved the current Policy will remain in force which will not include the Gambling Commission's amendments to the Guidance to Licensing Authorities. Operators will therefore not be in a position to complete a local risk assessment.

6. IMPLICATIONS

Policy

- 6.1 The final draft Policy after consultation will need to be approved by full Council in January 2016 following which it must be published to cover the next 3-year period (2016 to 2019).

Legal

- 6.2 Once adopted and published the Council's Policy will provide the basis for decisions made by officers, the Licensing Committee and its Sub-Committees.

Operators will be in a position to produce their risk assessments with regard to social responsibility measures.

Financial Implications

- 6.3 There are no implications other than the financial cost of the consultation process.

Equality and Diversity


- 6.4 There are no implications.

Crime and Disorder

- 6.5 Under s17 of the Crime and Disorder Act 1998 the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.

7. ACTION PLAN

- 7.1 If Cabinet approves the draft Policy then the draft Policy will be submitted for adoption to full Council in January 2016.
- 7.2 Once the Policy has been adopted by Council, Officers will publish it in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and come into effect early 2016.



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Background Papers:

The Gambling Act 2005 (Licensing Authority Policy Statement) (First Appointed Day) Order 2006

The Gambling Act 2005 (Licensing Authority Policy Statement (England and Wales) Regulations 2006

The Council's Gambling Licensing Policy adopted 5 November 2012

The Gambling Commission's Guidance to Licensing Authorities

Licensing Committee Reports and associated minutes on approvals of the Policy since first adopted.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR.

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1		Legal challenge or appeal against Policy if not revised.	Legal costs against the Council.	Timely revision of the Policy following public and statutory consultation	B2	A1	Jonathan Bramley	None

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

A = Very Low
 B = Not Likely
 C = Likely
 D = Very Likely
 E = Almost Certain

Impact

1 = Low
 2 = Minor
 3 = Medium
 4 = Major
 5 = Disaster