

## REPORT TO LICENSING COMMITTEE

Date of Meeting: 21 July 2015

Report of: Environmental Health and Licensing Manager

Title: Consultation on the Gambling Act 2005 Statement of Gambling Policy

### Is this a Key Decision?

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### Is this an Executive or Council Function?

#### Council Function

#### 1. What is the report about?

1.1 Exeter City Council's current Statement of Licensing policy was written in 2012 and came into effect in January 2013. There is a legal requirement to review such policy statements every three years. The current policy must be reviewed by 2016, so it is relevant to commence consultation work on a draft policy document. The Licensing Committee is one of the consultees, with the final Statement of Licensing Policy going to Full Council

#### 2. Recommendations:

2.1 The timetable for revision will be as follows:

21 July 2015	Proposed revision of Gambling Act Policy to be circulated for consultation.
16 October 2015	Consultation period ends
3 November 2015	Gambling Act Policy (amended as necessary) to Licensing Committee with recommendation for approval to Full Council.
1 December 2015	Licensing Policy to Executive Committee
15 December 2015	Licensing Policy to Full Council for approval

2.2 For the purpose of any review, the Licensing Committee is a consultee as council has to agree the policy.

#### 3. Reasons for the recommendation:

3.1 The Licensing Authority must determine and publish a statement of Licensing Policy for the Gambling Act. The Licensing Authority is under a duty to keep its policy under review and make such revisions as it considers appropriate during each three-year period.

3.2 Before determining such a policy section 349(3) of the Gambling Act 2005 places a statutory duty on the Authority to consult. Where revisions are made the authority must publish a statement of the revisions or the revised licensing statement.

#### 4. What are the resource implications including non financial resources.

4.1 The legislative changes and proposed changes to policy do not give rise to any additional resource implications or have any revenue impact.

- 4.2 There are no reductions, restructuring and/or redundancy implications as the key changes identified in this report do not give rise to any additional resource requirements as changes are to existing processes. However, in delivering to the changed requirements there may be some training implications for existing staff.
- 4.3 Any future costs in relation to the production of the Statement of Principles will be met by income from fees.

**5. Section 151 Officer comments:**

There are no additional financial implications contained within this report.

**6. What are the legal aspects?**

- 6.1 Section 349 of the Gambling Act 2005 requires the Council as Licensing Authority to prepare and publish a statement of licensing policy that they propose to apply in exercising their functions under the Act.. As with all policies produced by the Council, it is necessary for it to be reasonable and workable in order to avoid any legal challenge by third parties.

**7. Monitoring Officer's comments:**

**8. Report details:**

- 8.1 Local Authorities were required to develop and adopt a Gambling Policy in consultation with the trade and local community and this must set out the authority's general approach to gambling licence applications. We are required to review the policy at least every three years. The time has now come for that review to take place.
- 8.2 The statement appended to this report has been updated to reflect updates and rewordings in the Gambling Commission's Guidance to Licensing Authority.
- 8.3 Section 2 of the policy has been changed to reflect areas of deprivation in the city, of which there are six that fall within the top 20% of deprived areas within England, with two falling into the top 10%.
- 8.4 The revised policy makes reference to Local Area Profiles which build up a picture of localities and in particular elements that could be impacted by gambling premises. The local area profiles can be found at Appendix B and whilst referenced within the Gambling Act policy statement will be kept separate to enable the profiles to be updated without the need to re-consult on amending the full statement of licensing policy. The National Centre for Social Research British Gambling Prevalence Survey 2010 stated that 'high-time/high-spend gamblers, like high-time only gamblers, displayed the most adverse socio-economic profile. They were more likely to live in areas of greatest deprivation, live in low income households and be unemployed. This group showed a relative preference for betting on horse races, fixed odds betting terminals and playing casino games.'
- 8.5 The local area profile will have regard to:

- Schools, sixth form colleges, youth centres etc, with reference to the potential risk of under-age gambling
- Hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling amongst these groups
- Religious buildings
- Any known issues with problem gambling
- The surrounding night time economy and any possible interaction with gambling premises
- The socio-economic makeup of the area
- The density of different types of gambling premises in certain locations
- Specific types of gambling premises in the local area

8.6 Section 7 details how the authority conducts inspection and enforcement activity with respect to gambling establishments. As part of the inspection programme, areas that will be covered include:

- Layout is maintained in accordance with the plan
- Looking at details of training policies
- Training undertaken by staff
- Entries in the refusal book
- Records of any relevant incidents in or outside the premises
- Signage displayed
- Approach to managed exclusion
- Involvement in local and national schemes

8.7 The authority embraces the Department for Business Innovation and Skills' "Regulators Code." The authority embraces the principles of better regulation to promote efficient and effective approaches to regulatory activity without imposing unnecessary burdens on business. The Licensing Authority shall have regard to any plan agreed between a company and primary authority.

8.8 Paragraph 9.32 of the policy document now reflects the authority's ability to use Section 181 of the Gambling Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and circumstance in which they are made available by imposing a licensing condition. According to The National Centre for Social Research British Gambling Prevalence Survey 2010, 'prevalence of playing fixed odds betting terminals was highest among those with the lowest personal income.'

8.9 A Pool of Conditions that can be used by the licensing committee, responsible authorities and applicants can be found at Appendix F of the Statement of Licensing Policy.

8.3 Following adoption for purposes of consultation by the Licensing Committee the draft Statement will need to be subject to a three month consultation period. The committee members are consultees for the purposes of this legislation and any comments they feel are appropriate can be fed back to the Environmental Health and Licensing Manager via e-mail or by post.

## **9. How does the decision contribute to the Council's Corporate Plan?**

9.1 Formulating a Gambling Act policy will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

**10. What risks are there and how can they be reduced?**

- 10.1 There are risks that a poorly drafted policy, that is neither proportionate nor reasonable, or is inadequately consulted upon, may give rise to legal challenge. These risks can be reduced by ensuring appropriate consultation takes place, and by giving due regard to the reasonableness and proportionality of policy tools.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

- 11.1 Formulating a licensing policy that recognises the key aims of the council, responsible authorities and other stakeholders should make a positive impact on creating a vibrant city to live, work and visit.

**12. Are there any other options?**

- 12.1 The current policy must be reviewed and an updated policy statement produced by 31 January 2016.

**Assistant Director Environment**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

The Gambling Act 2005.

The Police Reform and Social Responsibility Act 2011.

SI No. 1129 (C.38) / 2012 *The Police Reform and Social Responsibility Act 2011 (Commencement No. 5) Order 2012.*

Guidance issued under Section 25 of the Gambling Act 2005.

Existing Statement of Gambling Policy.

The National Centre for Social Research British Gambling Prevalence Survey 2010

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