

REPORT TO LICENSING COMMITTEE, EXECUTIVE AND COUNCIL

Date of Meeting: 3 November 2015, 1 December 2015 and 15 December 2015

Report of: Environmental Health and Licensing Manager

Title: Adoption of a new Gambling Act 2005 Statement of Licensing 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 31 January 2016. The Licensing Committee is constituted with formulating a new statement of licensing policy with the final Statement of Licensing Policy going to Full Council for adoption.

2. Recommendations:

2.1 The Licensing Committee are requested to approve the Gambling Act 2005 Statement of Licensing Policy in order that it can be progressed through to Council for adoption on 15 December 2015 in order for implementation to take place on 31 January 2016.

2.2 That Executive supports the revised Gambling Act 2005 Statement of Licensing Policy

2.2 That Council formally adopts revised Gambling Act 2005 Statement of Licensing 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.

3.3 The Licensing Committee resolved on 21 July 2015 that a public consultation should begin on a new policy. Following the Licensing Committee's decision, the Licensing Team consulted a wide range of stakeholders who may have an interest in this policy, including the police, gambling trade, support groups, regulatory authorities and other third party organisations as listed in section 3 of the policy.

3.4 The authority received comments back in relation to the consultation exercise, which are summarised in Appendix A and presented in full in Appendix B and C.

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.
- 6.2 Failure to adopt a policy in the prescribed timescale may lead to challenges that would be very difficult to defend.

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 authority must review its Gambling Act 2005 Statement of Licensing Policy by 31 January 2016.
- 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 of the policy, 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 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.

9. How does the decision contribute to the Council’s Corporate Plan?

9.1 The Gambling Act 2005 Statement of Licensing 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 have been minimised by ensuring appropriate consultation has taken place.

10.2 The responses have been accepted where they add to the policy. Those responses that may give rise to challenge have been rejected primarily because the proposals are not legal. Due regard been given 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 will 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

Contact for enquires:

Democratic Services (Committees)

Room 2.3

01392 265275

Appendix A - Summary of Responses Received

Ref	Respondent	Comments	Response
01	John Bean Licensing Officer Devon & Cornwall Police	<p>Observations from police :-</p> <p>Consideration of Incident Log as condition in addition to Refusals Book and SIA door supervisors register.</p> <p>Link for operators under the Act to licensees forums in the City to provide shared information on issues of ASB and offenders.</p> <p>Officially review Gambling policy every 5 years (in-line with Licensing Act 2003 Policy).</p> <p>Several cosmetic amendments suggested.</p>	<p>This has been added to the policy</p> <p>The Community Safety Partnership will look at trying to establish such a forum</p> <p>The requirement under the Gambling Act at present is 3 years.</p> <p>These have been accepted</p>
02	John Liddle Director of Development Coral Retail	<p>Coral Racing Limited are broadly supportive of the document.</p> <p>Recommend including a reference that when judging applications, committees should not take into account of any moral objections to gambling.</p> <p>The guidance is generally in line with our expectations with regard to risk assessment with future variations and applications.</p> <p>Coral believe that additional local risk assessments (from April 2016) should be:</p> <ul style="list-style-type: none"> A) To assess specific risks to the licensing objectives in the local area; B) To assess whether control measures going beyond standard control measures are needed. <p>They confirm that this is similar to the risk assessment section in the policy.</p>	<p>This is set out in the Act and guidance already which is referred to in the policy</p> <p>This is noted</p> <p>This is noted</p>

Appendix B - Response received from Devon and Cornwall Police

From: John.BEAN@devonandcornwall.pnn.police.uk
[mailto:John.BEAN@devonandcornwall.pnn.police.uk]
Sent: 11 September 2015 10:01
To: Licensing Team
Cc: NORSWORTHY Michael 13671
Subject: Statement of Gambling Policy

Observations from police :-

Consideration of Incident Log as condition in addition to Refusals Book and SIA door supervisors register.

Link for operators under the Act to licensees forums in the City to provide shared information on issues of ASB and offenders.

Also to remain consistent with the Licensing Act 2003 the Statement of Gambling Policy already under constant review should only be officially reviewed every 5 years.

Within the document at 2.8 and 9.2 bullet point 4 should wording by Gambling policy rather than licensing policy ?

At 8.1 issue rather than issuing

In the Glossary, Default Conditions are noted twice.

John Bean
Licensing Officer
Police Station
Heavitree Road
Exeter
EX1 2LR
Tel 01392 451512
Mob 07764 638709

Appendix C - Response received from Coral



Licensing Team,
Exeter City Council,
Civic Centre,
Paris Street,
Exeter,
EX1 1RQ

15th October 2015

Dear Sir,

Consultation on Exeter City Council's Statement of Principles – Gambline Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are broadly supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. We politely highlight that the majority of Council's also include a reference that when judging applications, it should not take into account of any moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications and variations (requirement is from 6th April 2016) following the consultation completion (your detail commences on Page 18 - Section 9.1) and are pleased to see this information included. A number of Council's within this section have listed multiple locations which must be risk assessed despite there being no evidence that the location of such a venue in close proximity to a betting office is at greater risk of causing harm to the licensing objectives; we are pleased to recognise that your guidance is generally in line with our expectations.

We do wish to highlight that we are not of the opinion however regarding the proximity of a premises in relation to schools and leisure facilities. Whilst each application will be judged on its merits as mentioned at several points within your statement, Coral knows of no evidence that the location of a licensed betting office within the proximity of schools and similar locations mentioned in the statement causes harm to the licensing objectives. We appreciate that such locations are included within Gambling Commission guidance to councils.

Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific



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a  company

risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. This to confirm is similar to your risk assessment section.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'John Liddle', with a horizontal line underneath.

John Liddle
Director of Development – Coral Retail