

Report to:	EXECUTIVE CABINET
Date:	24 April 2019
Executive Member/Reporting Officer:	Councillor Allison Gwynne - Executive Member (Neighbourhood Services) Emma Varnam – Assistant Director, Operations and Neighbourhoods
Subject:	REVISED GAMBLING ACT POLICY 2019-2022
Report Summary:	<p>Licensing authorities are required to develop, consult on, and publish a Statement of Gambling Policy every three years that sets out the principles they propose to apply in exercising their functions under the Gambling Act 2005.</p> <p>This report presents the Council's proposed statement of principles for 2019-2022.</p>
Recommendations:	<p>It is requested that the contents of this report are noted and that a recommendation is put forward that the policy be adopted at the next full Council meeting.</p> <p>That members lobby Government for increased regulation regarding remote gambling in recognition of the fact that gambling affects the most deprived in our communities.</p>
Corporate Plan:	<p>Starting Well – Reduce the impact of adverse childhood experiences.</p> <p>Living Well – Reduce levels of anti-social behaviour, victims of crime/fear of crime.</p>
Policy Implications:	There is a statutory requirement for the Council to review the policy statement every 3 years. This proposal would replace the existing Gambling Policy Statement of Principles.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are no direct financial implications as a result of this report.
Legal Implications: (Authorised by the Borough Solicitor)	The Council has reviewed its Statement of Gambling Policy in line with legislation. Members will need to consider the consultation process carried out, together with the Equality Impact Assessment before agreeing the revised Policy, in line with its equality duty, to ensure there is no challenge to its lawfulness, and the Council's duty to protect vulnerable persons. This decision is required to be made by Full Council.
Risk Management:	<p>This review of the Statement of Gambling Policy is a key document in relation to the Council's position in continuing to implement the Gambling Act's objectives and consideration of subsequent licensing applications.</p> <p>Failure to properly consult on these proposals could result in a legal challenge from the trade or their representatives through a judicial review. This risk has been managed by carrying out an</p>

extensive consultation as outlined in the report.

Access to Information:

The background papers relating to this report can be inspected by contacting Sharon Smith, Head of Public Protection.



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1. INTRODUCTION

- 1.1 The Gambling Act 2005 (the Act) requires the Authority to prepare and publish a Policy Statement prior to carrying out functions under the Act. The policy has to be reviewed at least every three years.
- 1.2 The Policy Statement was last reviewed in 2016 and must be updated in 2019.
- 1.3 The Act is based on the promotion of 3 licensing objectives:
- a) Preventing gambling from being a source of crime and disorder;
 - b) Ensuring that gambling is conducted in a fair and open way; and
 - c) Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 The Act provides that Authorities should aim to permit gambling in so far as they think it is:
- a) in accordance with issued codes of practice;
 - b) in accordance with guidance issued by the Gambling Commission;
 - c) reasonably consistent with the licensing objectives; and
 - d) in accordance with the Policy Statement.
- 1.5 The Council will refer to its policy, the Gambling Act 2005, promotion of the licensing objectives, and the Statutory Guidance to Licensing Authorities when considering applications in respect of the following:-
- Premises licences (this includes casinos, bingo halls, adult gaming centres, family entertainment centres, race tracks and betting shops)
 - Permits (licensed premises gaming machine permits, club permits, prize gaming permits, notifications of two or less machines)
 - Lotteries (small society lotteries, incidental non-commercial lotteries, private lotteries and customer lotteries)
 - Temporary use notices and occasional use notices for short-term gambling events).
- 1.6 The Gambling Commission is responsible for granting operating licences and personal licences to commercial gambling operators and people working in the industry. It also regulates certain lottery managers and promoters

2. ISSUES

- 2.1 There have been no legislative changes brought into effect that impact on the relevance of the current policy.
- 2.2 In preparing the policy statement the Authority has to have regard to codes of practice and guidance issued by the Gambling Commission. To ensure consistency the majority of Licensing Authorities across the country use the same template issued by the Local Government Association which is based on best practice.
- 2.3 A copy of the proposed Gambling Policy Statement of Principles is attached at **Appendix 1**.

3. CONSULTATION

- 3.1 A comprehensive consultation exercise was carried out in accordance with the Act and Statutory Guidance. The 12 week consultation period took place between 12 October and 4 January 2018.

- 3.2 The consultation was circulated widely, national trade bodies, interested parties and all premises licence holders were written to, directing them to a consultation page on the Council's website. In addition, the Council used its social media accounts to publicise the consultation.
- 3.3 Copies of the draft policy were made available for the public to view electronically online and a hard copy was kept at the Licensing Office.
- 3.4 Despite the long consultation period only two responses were received; a comprehensive response from Public Health which is attached at **Appendix 2** and a response from a trade body, Novomatic UK acting on behalf of Luxury Leisure, is attached at **Appendix 3**.
- 3.5 A table evaluating the consultation responses and detailing the changes to the draft policy is attached at **Appendix 4**.
- 3.5 A copy of the Equality Impact Assessment is attached at **Appendix 5**.

4. GAMBLING RELATED HARM

- 4.1 When someone is not able manage the degree to which they gamble it can have serious implications for their health, and the health of their friends and family.
- 4.2 During the consultation period the Licensing Manager worked closely with colleagues in Public Health. On 27 November 2018 a gambling harm workshop was held with medical practitioners and topics for discussion were;
- The extent of problem gambling in Tameside.
 - The degree to which we can screen for and identify problem gamblers in our roles.
 - The pathway for a problem gambler; where we can signpost people for support and help.
 - How can we support our young people and educate them about potential harms from gambling.
- 4.2 Following the workshop, Beacon Council Trust, who are a northwest based counselling charity and work with problem gamblers to tackle their addictions have agreed to set up a clinic in Ashton.
- 4.3 In recognition of the collaborative work between Licensing and Public Health a section has been included in the proposed Policy Statement in relation to gambling related harm. This section provides information relating to problem gamblers in Tameside and identifies the support which is available.

5. REMOTE GAMBLING

- 5.1 The Gambling Commission are responsible for regulating the fast-growing remote sector which includes phone and online gambling. This activity is carried out away from licensed premises where trained staff could intervene and this could lead to a rise in gambling related harm
- 5.2 The Commission has made clear that it will continue to monitor and respond to emerging risks to the licensing objectives to ensure operators are doing all they can to treat their customers fairly and minimise the risk of gambling-related harm.

6. RECOMMENDATIONS

- 6.1 Refer to recommendations as outline on the front of the report.