

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee      **DATE:** 18<sup>th</sup> October 2018

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**WARD(S):** All

### **PART I** **FOR DECISION**

#### **GAMBLING ACT 2005: REVIEW OF ‘STATEMENT OF PRINCIPLES’ AND ‘LOCAL AREA PROFILE’.**

##### **1. Purpose of Report**

To inform the Committee of the outcome of the public consultation on the Council’s Gambling Act 2005 Statement of Principles policy (as amended 2018), and to note the development of a ‘Local Area Profile’.

##### **2. Recommendation/Proposed Action**

- a. The Committee is requested to recommend to Full Council that the Gambling Act 2005 Statement of Principles policy (as amended 2018) is adopted as the Council’s Gambling Policy.
- b. To note the development of a Local Area Profile in assisting Operators in preparing Local Risk Assessments.

##### **3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The review and consultation on the Statement of Principles for the Gambling Act 2005 is a statutory requirement that ensures that the Licensing Authority can carry out its functions under the 2005 Act.

##### **3a. Slough Joint Wellbeing Strategy Priorities –**

The Licensing Authority is responsible for administering all functions under the 2005 Act. In developing a Statement of Principles, the Licensing Authority must ensure that the ‘Licensing Objectives’ as set out in section 1 of the 2005 Act are promoted at all times.

A Local Area Profile, (which is optional for local authorities to have in place), has been developed to inform the new generation of gambling policies, against which all applications will have to be judged and completion by gambling operators of the review of local risks under the Social Responsibility Requirement “Assessing Local Risk” in Code 10.1.1 contained within the License Conditions and Codes of Practice (published January 2018) (“LCCP”) to produce and have in place a ‘Local Risk Assessment.’

The principle document used in developing the 'Local Area Profile' has been the Slough Joint Wellbeing Strategy and the Joint Strategic Needs Assessment (JSNA).

Both the revised Statement of Principles and the Local Area Profile contribute to the following wellbeing priorities:

Priorities:

1. Protecting vulnerable children
2. Increasing life expectancy by focusing on inequalities
3. Improving mental health and wellbeing

### 3b. Five Year Plan Outcomes

The report outlines the requirement to conduct the review of the policy under the 2005 Act and the optional requirement for development of a Local Area Profile. In doing so this contributes toward the Five Year Plan with the specific outcomes of:

- Our children and young people will have the best start in life and opportunities to give them positive lives.
- Slough will be an attractive place where people choose to live, work and visit.
- Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

### 4. Other Implications

#### (a) Financial

There are no financial implications of the proposed action.

#### (b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
<p>a. The Committee is requested to recommend to Full Council that the Gambling Act 2005 Statement of Principles policy (as amended 2018) is adopted as the Council's Gambling Policy.</p> <p>b. To note the development of a Local Area Profile in assisting Operators in preparing Local Risk Assessments.</p>	<p>The Council will not be able to properly control gambling premises without the policies being fully reviewed.</p>	<p>The review and consultation are a statutory 3 yearly requirement.</p> <p>The development of a Local Area Profile will assist Operators on preparing their Local Risk Assessments.</p>

(c) Human Rights Act and Other Legal Implications

There are no direct Human Rights Act or other implications.

(d) Equalities Impact Assessment

The Equality Impact Assessment has been reviewed following the formal consultation and the conclusions are that there are no adverse or negative impacts on equality for one group or any other group.

**Supporting Information**

**5. Statement of Gambling Principles**

5.1 The Gambling Act 2005 placed the responsibility for the regulation of gambling on the Gambling Commission, and local authorities. In brief, the function of the Gambling Commission is to regulate the operators of gambling premises and to issue codes of practice and guidance. The functions of the Council are to: license premises for gambling activities; consider notices for temporary use of premises for gambling; grant permits for gaming and gaming machines in clubs and miners welfare institutes; regulate gaming and gaming machines in alcohol licensed premises; grant permits to family entertainment centres for the use of certain lower stake gaming machines; grant permits for prize gaming; consider occasional use notices for betting at tracks; and register small societies lotteries.

5.2 The Council is required under the Gambling Act to put in place a policy, which is called a Statement of Principles, which they propose to apply when exercising their functions under the Act. The Act requires that the policy is reviewed every three years. The policy has been fully reviewed this year and subject to the statutory consultation, and therefore must be adopted by 31<sup>st</sup> January 2019. The revised Statement of Principles has been based on and in accordance with the Gambling Commissions "Guidance to Licensing Authorities Guidance to Licensing Authorities" 5th edition (published September 2015) and Parts 17, 18 & 19 updated in September 2016.

This Statement is first and foremost subject to the three licensing objectives under the Gambling Act 2005, which are:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

5.3 The Gambling Act requires that there is a consultation on the draft Statement of Principles and a consultation was conducted between 3<sup>rd</sup> August 2018 and 14<sup>th</sup> September 2018. The consultation has included press releases, placing the draft 'Statement' with information about the consultation on the Council's website and writing to the persons or organisations listed in *Appendix "D"* of the new draft policy and all elected member of this Council.

5.4 There has been two formal responses to the consultation and in light of that

the draft document has been amended to incorporate the comments and suggestions in the responses. All the original amendments prior to consultation and the amendments from the responses are highlighted in grey. The final draft document is attached at **Appendix A**.

- 5.5 The Committee is asked to recommend the adoption of the revised policy document to Full Council, following which the policy must be published locally and to take effect no later than 31<sup>st</sup> January 2019.

## **6. Local Area Profile**

- 6.1 With regards to the 'Statement of Principles, the published Gambling Commission Guidance to Local Authorities highlighted that, licensing authorities should consider developing local area profiles, identifying, quantifying and mapping the vulnerabilities and other relevant features of their areas. Such profiles will then be used to inform the new generation of gambling policies, against which all applications will have to be judged and completion by gambling operators of the statutory required under Code 10.1.1 of the Social Responsibility Codes to produce and have in place a 'Local Risk Assessment.'
- 6.2 The Local Area Profile has now been developed. The principle document used in developing the 'Local Area Profile' has been the Slough Joint Wellbeing Strategy and the Joint Strategic Needs Assessment (JSNA).
- 6.3 It is important for the Committee to note that there is no statutory need for any consultation on or formal approval by the Licensing Committee of the 'Local Area Profile', as they are optional for the Licensing Authority to develop in order to be used by and assist gambling operators when developing their own Local Risk Assessments. The Committee is asked to note the Slough Local Area Profile is attached at **Appendix B**.

## **7. Conclusion**

- a. The Committee is requested to recommend to Full Council that the Gambling Act 2005 Statement of Principles policy (as amended 2018) is adopted as the Council's Gambling Policy.
- b. To note the development of a Local Area Profile in assisting Operators in preparing Local Risk Assessments.

## **8. Comments of Other Committee**

On 12<sup>th</sup> June 2018 the Licensing Committee resolved to:

- (a) That the 'No Casino Policy' lapse.
- (b) That the consultation exercise for the Gambling Act 2005 'Statement of Gambling Principles' to commence.
- (c) That the development of a 'Local Area Profile' for inclusion in the new policy document be agreed.

**9. Appendices**

Appendix A – Statement of Principles – final draft

Appendix B – Local Area profile.

**10. Background Papers**

The current Gambling Act 2005 Slough Statement of Principles (2015).

Gambling Commission Guidance to Local Authorities (September 2015 as revised)

Formal response to consultation from Elizabeth Speed, Group General Counsel – Novomatic UK.

Formal response to consultation from Gosschalks Solicitors.