

COUNCIL – 5TH NOVEMBER 2018

Report of the Licensing Committee

Part A

ITEM 6.2 GAMBLING STATEMENT OF PRINCIPLES 2019-2022

Purpose of Report

To consider a revised Statement of Principles made under the Gambling Act 2005 following consideration by the Licensing Committee and the Policy Scrutiny Group, and public consultation.

Recommendation

That the Statement of Principles made under the Gambling Act 2005, set out in Annex A to this report, be approved and adopted with effect from 31st January 2019.

Reason

To ensure that, under Section 349 of the Gambling Act 2005, the Council has an up to date Statement of Principles to adhere to which sets the Council's policy in respect of meeting the licensing objectives and responsibilities under the Gambling Act 2005.

Policy Justification and Previous Decisions

A role of the Licensing Committee is to make recommendations in respect of the Council's Statement of Principles made under the Gambling Act 2005 prior to submission to Full Council for approval.

At its meeting on 7th August 2018, the Licensing Committee considered a report of the Head of Regulatory Services seeking approval for a draft Statement of Principles that would be the subject of consultation prior to submission to Full Council.

The following extract from the minutes of that meeting details the consideration and decisions of the Committee:

REVIEW OF THE GAMBLING STATEMENT OF PRINCIPLES 2019-2022

A report of the Head of Regulatory Services was submitted to consider the Council's draft Statement of Principles made under the Gambling Act 2005, for consultation prior to submission to Council for approval (item 5 on the agenda filed with these minutes).

In summary, the Committee discussed:

- (i) The population increase stated in paragraph 1.2 of the Statement was 177,000* (up from 176,000).*

- (ii) *The Operator Licence required was a matter for the Gambling Commission to decide, the Council was responsible for the Premise Licence.*
- (iii) *With reference to paragraph 1.9 of the Statement, there had not been any incidents of gambling enforcement in the Borough. Inspections of gambling premises were undertaken by Council staff each year, this year a few premises had required a re-visit, but all had ultimately been compliant. No unlicensed premises had been discovered.*
- (iv) *Regarding local risk assessments, larger operators usually had a template for the purpose which could be adapted for the locality concerned. The Council would expect the assessment to suit the local position and the local area profile assisted that. The Council did not provide a template and would not wish to do so, but the Gambling Commission might have one available. The Licensing Manager would include a link to that in the Statement, if available.*
- (v) *There was brief discussion regarding “one-off” gambling events, for example gambling that was included in the price of the entry ticket for a Christmas function. To date, such events of which the Council had been notified had not fallen under the requirements of the premise licence.*
- (vi) *With reference to paragraph 3.7 of the Statement, the Council’s approach in respect of betting/gaming machines was briefly outlined, in particular the requirements for premise staff to be able to monitor those.*
- (vii) *With reference to paragraph 3.8 of the Statement, there was not a track in Charnwood, but some premises might have that facility available, so the Statement needed to cover that.*
- (viii) *The Licensing Manager noted a typographical error on page 21 of the report, which she would correct. Also, on page 28, that Leicestershire Chamber of Commerce was now East Midlands Chamber, and that Loughborough Chamber of Trade and Commerce should also be listed.*
- (ix) *LRSB was Leicestershire and Rutland Safeguarding Board, with which the Council would consult on any applications that indicated there may be concerns over access for children or vulnerable persons (as customers), further explanation of which was given, including that anyone could report such concerns. The Licensing Manager would check that the web address stated was correct and would inform members of the Committee if that was different.*

**Note: Since the meeting, the Licensing Manager has stated the correct figure as 176,700.*

RESOLVED

1. *that, subject to the amendments set out in (iv), (viii) and (ix) above, the draft Statement of Principles made under the Gambling Act 2005, set out in Appendix 1 to the report of the Head of Regulatory Services, be approved for consultation and, subject to the outcome of that consultation and resolution 2 below, that the Statement of Principles be recommended to Council for approval;*
2. *that, following the consultation set out in resolution 1 above, the Head of Regulatory Services be given delegated authority to make minor amendments*

and alterations to the Statement of Principles, in consultation with the Chair of the Licensing Committee, prior to submission to Council.

Reasons

- 1. To ensure that, under Section 349 of the Gambling Act 2005, the Council has an up to date Statement of Principles to adhere to which sets the Council's policy in respect of meeting the licensing objectives and responsibilities under the Gambling Act 2005.*
- 2. To ensure the relevant minor changes can be made to the Statement of Principles, prior to submission to Council for implementation in January 2019.*

The Statement of Principles submitted to the Council for approval is attached at Annex A. This version of the Statement of Principles incorporates the changes that have been made to the draft Statement following its consideration by the Licensing Committee as a result of the Committee's decisions and under the delegation granted to the Head of Regulatory Services by the Committee. These changes are described in Part B of this report and highlighted in yellow in Annex A.

Implementation Timetable including Future Decisions

Once agreed by Council, the licensing authority is required to publish a notice of their intention to publish a revised Statement of Principles. The notice must be published for at least four weeks before it comes into effect:

- in a local newspaper circulating in the area covered by the statement;
- a local notice board in or near the principle office of the Local authority;
- a public notice board on the premises of public libraries in the area covered by the statement.

Once it is in effect, the Statement of Principles must be published on the Council's website and be made available at reasonable times to members of the public at the Council's offices and local libraries within the area covered by the statement.

It is intended that the revised Statement of Principles would come into effect on 31st January 2019.

Report Implications

The following implications have been identified for this report.

Financial Implications

None.

Risk Management

No specific risks have been identified in relation to this decision.

Equality and Diversity

A review of the existing Equality Impact Assessment (attached at Annex B) has been undertaken and no significant issues have been found that need incorporating into the existing assessment.

Background Papers: [Licensing Committee 7th August 2018 – item 5](#)

[Policy Scrutiny Group 25th September 2019 – item 6 and minute 15](#)

Licensing Committee 27th October 2015, minute 4,
2015/16 Full Council 18th January 2016, minute 69.3,
2015/16

[Gambling Commission Guidance to licensing authorities, 5th edition, September 2015](#)

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Part B

Background

1. Under the terms of the Gambling Act 2005 the Council is required to carry out a review of its Statement of Principles, which is used to determine all applications made under the terms of the Act, every three years.
2. The existing Statement of Principles was adopted by the Council in 2016 and will expire on 30th January 2019. A new statement must be consulted on and approved by full Council.
3. The 5th edition Guidance to licensing authorities, September 2015, issued by the Gambling Commission has been considered as part of the development of the new Statement of Principles. A copy of the proposed 2019–2022 Statement of Principles is attached as Annex A. The Gambling Commission has suggested that the published consultation copy of the Statement of Principles has 'tracked changes'. This style has been retained for the final version submitted with this report for approval.

Changes to the Draft Revised Statement of Principles Following Consideration by the Licensing Committee and Public Consultation

4. A report was submitted to the Licensing Committee on 7th August 2018 setting out a draft revised Statement of Principles. At its meeting the Licensing Committee approved the draft revised Statement of Licensing Policy for consultation subject to certain modifications set out in the minute from the meeting which is reproduced in Part A above. Prior to the public consultation, the changes made by the Licensing Committee were incorporated. These were:
 - At 1.2 – changed population figure to that of 176,700
 - At 2.0 added a link that the Gambling Commission provided in respect of guidance to develop a Local Risk Assessment
 - Under 4.2, at page 17 of the report a typographical error at paragraph 4 was amended to read 'notices and signage may also be *of* help'. The '*of*' had previously been missed
 - At Appendix A of the report, the Leicester Chamber of Commerce was amended to East Midlands Chamber (Leicestershire Office)
 - The Loughborough Chamber of Trade and Commerce was also added to the list of Consultees at Appendix A.
5. The consultation period for the draft revised Statement of Principles commenced on Friday 17th August 2018 and closed on Friday 14th September 2018. During the consultation process the consultees listed below were consulted:
 - Association of British Bookmakers
 - British Amusement Catering Association
 - British Casino Association
 - Bingo Association

- British Greyhound Racing Board
- Chief Officer of Police
- Club & Institute Union
- Gamcare
- Gamblers Anonymous
- Help The Aged
- Existing Holders offences, permits and registrations who will be affected by the provisions of the Act.
- Lotteries Council
- Responsible Authorities - HM Revenue and Customs, Gambling Commission, Police, The Fire Authority, Planning Department, Environment Health Department (Environmental protection), Occupational Health and Welfare Department.
- Responsibility in Gambling Trust
- Leicestershire County Council – Trading Standards, Education and Public Health
- Public Health England
- East Midlands Chamber (Leicestershire Office)
- Federation of Small Business
- Loughborough Chamber of Trade and Commerce.

The consultation was also featured on the Council's website.

6. Three responses were received within the consultation period, from GamCare, Leicestershire Police and Gosschalks Solicitors, representing the Association of British Bookmakers.
7. GamCare is the leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. They operate the National Gambling Helpline and support those affected by problem gambling through advice and treatment, and to minimise gambling-related harm through education, prevention and communication.

GamCare advised that they do not have resources to personally respond to each Local Authority which contacts them regarding their Statement of Principles so they have compiled a list of the issues or factors that they felt it would be helpful to consider. This list is outlined below along with details of what has been included in the Policy as a result of the issues raised.

1. *A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/*
 - Not relevant for inclusion in the Policy. There is not sufficient information in Charnwood for such maps to be developed.

2. *Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.*
 - This is covered on page 9 of the Policy under the heading Charnwood's Local Area Profile
3. *A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.*
 - Charnwood gambling premises have been inspected and all have local risk assessments at their premises.
4. *Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?*
5. *Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.*
6. *Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.*
7. *Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.*
 - Points 4 to 7 raised by GamCare have been included on page 9 of the Statement of Principles as prompts for operators to consider when looking at their local risk assessments. These are highlighted in yellow in the Statement of Principles to note change.
7. PC Mike Green commented on behalf of Leicestershire Police that Leicestershire Constabulary changed its name to Leicestershire Police in 2012 and that Leicestershire Constabulary appeared 3 times in the document, at pages 5, 21 and 22.
 - This has been rectified and has been highlighted in yellow in the document to note the changes.
8. On behalf of the Association of British Bookmakers, Gosschalks Solicitors welcomed the approach to the Draft Statement of Principles and in particular the repeated statement that decisions will be made on the basis of clear evidence in the circumstances of a particular case.

They make reference to two particular paragraphs of the Draft Statement of Principles:

1. *The final paragraph of paragraph 3.2 refers to the concept of “primary gambling activity”. The amended Gambling Commission Guidance now refers to this concept as “appropriate licensing environment”. The guidance and the LCCP SR Code Provision 9.1 requires that gaming machines may be made available for use in licensed betting premises, licensed bingo premises and licensed casino premises only where there are also substantive facilities for non remote betting/bingo/casino games provided. In the circumstances the final paragraph of this section should be redrafted: to reflect the new guidance.*

- Redrafted and highlighted in yellow within the Statement of Principles.

2. *Paragraph 3.7.1 explains the changes to planning legislation in respect of betting offices and correctly states that all new betting offices require specific planning permission for betting office use. The final sentence of this paragraph, however, should be deleted as this indicates that the Licensing Authority will check that an application has appropriate permissions. Paragraph 3.5 of the Draft Statement of Principles, the Gambling Commission Guidance and indeed Section 210 Gambling Act 2005 are clear that in making a decision under Gambling Act 2005 a Licensing Authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the Law relating to planning or building. As the Licensing Authority may not take that into account, the final sentence of paragraph 3.7.1 should be removed.*

- Further to the comments made by Policy Scrutiny Committee, as detailed below, the sentence relating to Planning Permission in the last sentence of 3.7.1 will remain but will be qualified by the following additional sentence. ‘However, in making a decision in respect of an application, Licensing shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building control.’

Changes to the Draft Revised Statement of Principles Following Consideration by the Policy Scrutiny Group

9. The draft revised Statement of Principles was also considered at a meeting of the Policy Scrutiny Group on 25th September 2018. At its meeting the Group made a number of comments on the draft Statement of Principles. The main comments and recommendations are detailed within the minutes of the meeting, an extract of which is set out below.

The following comments were made by members of the Group:

- It was important that the Council checked that premises had the appropriate planning permission when a licensing application was received.*
- Ward councillors had experience of residents who had chronic gambling problems. However this did not appear to be reflected in the information that was provided by the Public Health team.*

- (iii) *The work of GamCare in providing training for staff in licensed premises was supported and should be encouraged.*

RESOLVED

1. *that the report be noted;*
2. *that the following comments made by the Group on the draft Statement of Principles made under the Gambling Act 2005 be noted:*
 - *that section 3.1 should be amended to remove reference to a section on casinos as such a section was not included in the Statement;*
 - *that the reference in section 3.7.1 to the licensing authority checking whether planning permission had been obtained be retained in the Statement as that was good administrative practice;*
 - *that the consultation response by GamCare be supported and that, where possible, amendments be made to the Statement to encourage appropriate training of staff and allow staff training to be reviewed as part of the inspections of premises;*
3. *that it be noted that officers would discuss with the Gambling Commission and other Council departments the possibility of promoting services, such as guidance and self-barring schemes, for people who had gambling problems by the Council and in licensed premises;*
4. *that confirmation be provided to the Group regarding whether gambling premises in Charnwood operated a system to share information about people with gambling problems who were attempting to gamble.*

Reasons

1. *To acknowledge the information received.*
2. *To record the results of the Group's scrutiny of the matter.*
3. *To enable options for promoting the availability of support for people affected by gambling to be explored.*
4. *To provide the Group with further information regarding the matter.*

Annexes

- Annex A – Revised Statement of Licensing Principles
Annex B – Equality Impact Assessment

