

<b>LICENSING COMMITTEE</b>	<b>DATE</b> 7 November 2018	<b>ITEM NO</b> 5
<b>TITLE</b> Gambling Act 2005 – Adoption of Revised Gambling Policy	<b>WARD (S)</b> All	
<b>CHIEF OFFICER</b> Director of Housing & Safer Communities	<b>CABINET MEMBER</b> Community Safety & Integrated Enforcement	
<b>DECISION CLASSIFICATION</b> Non Key	<b>IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING?</b> No, Full Council	

1. **Decision required**

This report makes the following recommendations to the decision-maker:

- 1.1 To consider and commend to Full Council the revised Royal Borough of Greenwich Statement of Gambling Policy in respect of the Gambling Act 2005 at **Appendix A**.

2. **Links to the Royal Greenwich Strategy**

- 2.1 This report relates to the following 2014-2018 objectives:

- Ensure a healthy and safe living environment

3. **Purpose of Report and Summary**

- 3.1 This report presents at **Appendix A** the Royal Borough's proposed Statement of Gambling Policy (as required under the terms of the Gambling Act 2005) to come into effect on 31 January 2019. It follows a period of public consultation that took place between 12 September 2018 and 23 October 2018.
- 3.2 It is a legal requirement under section 349 of the Gambling Act 2005 (the Act) that each licensing authority prepare a Statement of Gambling Policy that they propose to apply in exercising their functions under the Act. Each Gambling Policy must be reviewed every 3 years.
- 3.3 The Council is required to prepare and publish a revised Statement of Gambling Policy by 3 January 2019, to come into force on 31 January 2019.

3.4 A further report must be presented to Cabinet on 15 November 2018 and to Full Council on 12 December 2018. Any recommendations from Licensing Committee will be referred to Cabinet.

#### 4. **Introduction & Policy Overview**

4.1 The Gambling Act 2005 has been in force since 30 April 2007. Responsibility for the administration of premises licences and permits under the Act rest with Local Authorities. The Gambling Commission have the responsibility for issuing operating licences to companies and personal management licences to those who carry out a gambling management function, and personal functional licences to those involved in gaming or handling cash in relation to gambling at a casinos.

4.2 The current policy can be found using the link below - [https://www.royalgreenwich.gov.uk/downloads/download/496/gambling\\_policy\\_and\\_plans](https://www.royalgreenwich.gov.uk/downloads/download/496/gambling_policy_and_plans). It runs out on 31<sup>st</sup> January 2019.

4.3 The Gambling Act 2005 gives the responsibility to Local Authorities to grant the following:

- Casino premises licences
- Bingo premises licences
- Adult gaming centre premises licences
- Family entertainment centre premises licences
- Betting premises licences
- Granting permits for gaming and gaming machines in clubs and miners' institutes
- Regulating gaming and gaming machines in licensed premises(alcohol)
- Consider notices given for temporary use of premises for gambling
- Granting permits for prize gaming
- Considering occasional use notices for betting at tracks
- Registering small society lotteries

4.4 A draft policy (version V) was consulted on between 12 September 2018 and 23 October 2018. **The proposed revised Statement of Gambling Policy including a list of the consultees can be found at Appendix A of this report.**

4.5 The majority of the content of the draft policy is prescriptive or flows from statutory guidance issued by the Gambling Commission under the Act which came into effect in September 2016, and April 2018. The Gambling Commission guidance is expected to be included in the policy unless there is very good reason not to do so. The proposed changes to the policy prior to consultation are summarised below:

- Part A: Introduction has an updated description of Royal Greenwich.
- Section 10: Local Area Profile has been expanded with regard to what is expected of applicants for premises licence in developing and reviewing their local area risk assessments. Also, links are appended to the policy listing the locations of schools, hostels and homes for vulnerable people and centres for people with gambling addictions.
- Revision to reflect changes made to the Use Classes Order, so that betting shops have to apply for planning permission, as well as a premises licence for betting, before they can operate.
- Other changes reflect minor changes in guidance or formatting of the document.

4.6 The Policy for Greenwich will safeguard the quality of life and the interests of children and vulnerable adults by:

- making clear that the Royal Borough will not issue a licence or permit unless adequate controls are in place to protect children and vulnerable people from harm from gambling;
- giving particular consideration to licence applications for premises close to schools or other establishments attended by children or vulnerable adults;
- requiring operators to show that they have appropriate measures in place to ensure that underage gambling cannot take place;
- working in close partnership with the police to prevent gambling from being a source of crime or disorder;
- requiring premises to ensure that their door supervisors have undertaken a nationally recognised qualification and undergone Disclosure and Barring Service checks.
- designating the Greenwich Children Safeguarding Board as the body for protection of children from harm.

4.7 The Policy for Greenwich will ensure that local people are given clear information, and an opportunity to have their say:

- by publishing on the Royal Borough's website details of all applications for new licences, and applications for variations of existing licences;
- by ensuring consultation letters about applications for new licences, and applications for variations of existing licences, are distributed to local residents;
- by allowing a case-by-case approach to the consideration of who is an 'interested party' with a right to make representations about a licence application or apply for a review of a licence.

4.8 The Policy outlines the Royal Borough's commitment to implementing and enforcing a fair but firm approach to gambling, by:

- making clear that the Royal Borough will carry out its duties in accordance with best practice, as guided by the Gambling Commission, the Regulators Compliance Code;
- outlining the principles of proportionality, accountability, consistency in enforcing rules and standards, transparency, clear targeting that will underpin the Royal Borough's work in this area;
- stressing the importance of partnership between the Royal Borough and all relevant agencies;
- ensuring that the Royal Borough operates a risk-based inspection programme.

4.9 In considering applications made to it under the Act this authority is required to have regard to:

- The Gambling Act 2005 and the secondary regulations issued under the Act;
- The licensing objectives set out in the Act
- The Guidance given to licensing authorities by the gambling commission;
- The authority's own statement of gambling policy.

4.10 The three licensing objectives set out under the Act are:

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

4.11 Section 153 of the Act provides that in exercising its function under part 8 of the Act (which deals with premises licensing and provisional statements) a licensing authority should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice under section 24 of the Act;
- In accordance with any relevant guidance issued by the commission under section 25 of the Act;
- Reasonably consistent with the licensing objectives (subject to the above);
- In accordance with the statement of policy published by the authority under section 349.

4.12 It is important to note that the Borough is unable to consider issues relating to morality or demand within a defined area when determining premises licence applications.

## 5. **Outcome of Public Consultation**

5.1 The consultation on the proposed revised Statement of Gambling Policy took place between 12 September and 23 October 2018, and followed the Revised Code of Practice (March 2018), and the Cabinet Office Guidance on consultations by the public sector.

5.2 At the start of the consultation, and in order to garner views from a range of different sections of the community, letters were sent to a wide range of consultees with the web address for the draft statement. This included all Elected Members, faith groups, and registered charities such as Age Concern UK.

5.3 Consultation feedback was received from Gamcare, The Gambling Commission, The Greenwich Society and the Police. No comments were received from local residents. The issues raised in the feedback along with officer comments are summarised in **Appendix B**.

## 6. **Available Options**

6.1 There are no viable options other than to adopt the Statement of Gambling Policy. Failure to adopt a policy will leave decisions by the authority at risk of challenge.

## 7. **Preferred Option**

7.1 To adopt the revised Statement Gambling Policy.

## 8. **Next Steps: Communication and Implementation of the Decision**

8.1 The proposed actions and timetable for the statutory process are as follows:

<b>Stage</b>	<b>Description</b>	<b>Timescale</b>	<b>Comments</b>
Stage 1	Public Consultation	6 Weeks 12 September to 23 October 2018	Consultation in accordance with HM Government Code of Practice (19 March 2018) <a href="https://www.gov.uk/government/publications/consultation-principles-guidance">https://www.gov.uk/government/publications/consultation-principles-guidance</a>
Stage 2	Licensing Committee	7 November 2018	Feedback on consultation and consideration of the Gambling Policy by Licensing Committee
Stage 3	Cabinet	15 November 2018	Consideration and comment on the Gambling Policy by Cabinet
Stage 4	Full Council	12 December 2018	Consideration and comment on the Gambling Policy by Full Council
Stage 4	Publication and statutory notice	3 January 2019	Before the Gambling comes into effect, the Gambling Act 2005 (Licensing Authority Policy Statement) Regulations 2006 require the licensing authority to publish a prescribed notice of their intention to publish a statement or revision.
Stage 5	Statement of Gambling Policy Version V	31 January 2019	Gambling Policy comes into force and will be placed on the website and libraries.

9. **Cross-Cutting Issues and Implications**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<p>Legal including Human Rights Act</p>	<p>Section 349 Gambling Act 2005 requires the Council to adopt a Statement of Gambling Policy every 3 years. The Statement sets out the gambling principles and how the council will carry out its functions and duties under the Act. The Statement of Gambling Policy must be in accordance with Regulations made pursuant to the Gambling Act and must include prescribed information and be in the format prescribed by statutory provisions. The Council must comply with and or have regard to Codes of Practice issued by the Gambling Commission.</p> <p>In determining its principles the Council must have regard to Statutory Guidance issued by the Gambling Commission and give appropriate weight to the those who respond to the consultation at Appendix B. The factors to be taken into consideration in determining the weight to be given to any representation made are:</p> <ul style="list-style-type: none"> <li>(i) whether the persons making the representations have any expertise or interest,</li> <li>(ii) the relevance to the licensing objectives,</li> <li>(iii) the number of people expressing the same or similar views,</li> <li>(iv) whether the representations are matters that should be included in the policy statement.</li> </ul> <p>A licensing authority should always be able to give reasons for the decisions it has made following consultation.</p> <p>The Statement of Gambling Policy is for a 3 year period, during which the Royal Borough must keep the policy under constant review and make</p>	<p><i>Azuka Onuorah Deputy Head of Legal Services 29 October 2018.</i></p>

	such revisions to it at such time as it considers appropriate, provided it has carried out the necessary consultation.	
Finance and other resources including procurement implications	The recommendation to adopt the revised Royal Borough of Greenwich Statement of Gambling Policy in respect of the Gambling act 2005 relates to the revision of the existing Statement of Gambling Policy, which has been updated in accordance with the guidance published by the Gambling Commission. The adoption of the revised Statement of Gambling Policy can be carried out within existing resources.	<i>Dave Lucas Senior Principal Accountant 19 October 2018.</i>
Equalities	The revised policy has been screened for its impact upon equalities and protected characteristics. The policy will introduce no significant changes to the way in which premises applications under the Gambling Act 2005 are processed or considered because the legislation in place proscribes the circumstances in which the Borough may exercise its discretion. The primary purpose of the revised policy is to reflect changes in relevant guidance and legislation that have taken place in the preceding 3 years. There is no firm evidence applicable at a local level that the way the policy could be administered will adversely impact upon any of the characteristics enshrined in the Equalities Act 2010 and is therefore not believed to present any risks or barriers to equality. Based on the screening, it has been decided that a full Equality Impact Assessment is not required. revisions to the policy have any equality impact.	<i>Ian Andrews Head of Trading Standards &amp; Commercial Services 19 October 2018.</i>

## 10. **Report Appendices**

10.1 The following documents are to be published with and form part of the report:

- *Appendix A: Amended Draft Statement of Gambling Policy V after consultation feedback*
- *Appendix B: Summary of Consultation Feedback*

## 11. **Background Papers**

Gambling Act 2005

Guidance issued under Section 25 of the Gambling Act 2005, issued by the Gambling Commission.

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