

Cabinet

Date of Meeting: 05 November 2019

Report Title: Revised Statement of Gambling Principles

Portfolio Holder: Cllr Mick Warren - Communities

Senior Officer: Frank Jordan, Executive Director Place

1. Report Summary

- 1.1. The Gambling Act 2005 requires local authorities to prepare and publish a statement of the principles that they propose to apply when exercising their functions under the Act during the three year period to which the statement applies.
- 1.2. The Council is required to review its existing statement of principles and publish a revised version. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders identified within the Gambling Act 2005.

2. Recommendations

- 2.1. That Cabinet
 - 2.1.1. Notes the changes to the draft revised Statement of Gambling Policy as set out in appendix 1 to the report.
 - 2.1.2. Recommends the draft revised Statement of Gambling Policy to Council for adoption.

3. Reasons for Recommendations

- 3.1. The Statement of Gambling Principles is the policy document used by the Licensing Authority when making decision under the Gambling Act 2005. It forms part of the Council's Budgetary and Policy Framework.

- 3.2. The Council is required to adopt a Statement of Gambling Principles in accordance with section 349 of the Gambling Act 2005.

4. Other Options Considered

- 4.1. No other options have been considered. The Council is required by section 349 of the Gambling Act 2005 to adopt a Statement of Gambling Principles. The route for adopting this document is set out both in legislation and by virtue of the requirements in the Council's Constitution.

5. Background

- 5.1. As set out above, the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act.
- 5.2. The draft statement, a copy of which is attached as Appendix 1, incorporates some amendments (set out in Appendix 2), but in essence remains substantially the same as previous iterations.
- 5.3. The Licensing Team have not received any comments, either positive or negative, on the current statement. Similarly, the Council has not been subject to judicial challenge on the content of the statement
- 5.4. The Statement of Gambling Principles is the policy document that the Licensing Act Sub-Committee will use when determining contested applications under the Gambling Act 2005. Consequently, it needs to adequately guide applicants, objectors, Licensing Authority Officers, and Committee Members.
- 5.5. The statement must reflect that the Council is required to discharge its responsibilities under the Act with a view to promoting the three licensing objectives:
 - 5.5.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - 5.5.2 Ensuring that gambling is conducted in a fair and open way
 - 5.5.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 5.6. Within the last three years, the period the Council's current Statement of Principles has been in operation, there has been no significant increase or

decrease in the number of premises requiring a gaming permit or a premises licence.

- 5.7. There have been no contested applications and it has not been necessary for the Sub-Committee to use the statement in any decision making process.
- 5.8. In reviewing the statement of principles officers have considered (amongst other things):
 - 5.8.1 The promotion of the three licensing objectives
 - 5.8.2 The guidance issued under Section 25 of the Gambling Act 2005 and any update guidance provided by the Gambling Commission
 - 5.8.3 The Council's current Statement of Gambling Principles
 - 5.8.4 Equality legislation and requirements
- 5.9. The draft statement of principles was considered by the Licensing Committee on the 6th November 2018. The Committee considered the consent of the principles and resolved that it was appropriate for it to be referred to Cabinet for consideration and Council for adoption.
- 5.10. Additionally, the draft revised principles was subject to consultation between 7th December 2018 and 3rd January 2019. The consultation requirements are set out in The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006. These requirements include; consulting various stakeholders, publishing a notice in local newspapers, and making the draft principles available for public inspection. Additionally, the Licensing Team consulted every elected Member of Cheshire East Council by email.
- 5.11. No responses to the consultation were received.
- 5.12. The draft revised policy was considered at the Environment and Regeneration Overview and Scrutiny Committee on 17th June 2019.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. By virtue of section 349 of the Gambling Act 2005 ('the 2005 Act') the Licensing Authority is required to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the 2005 Act during the three year period to which the policy applies.

6.1.2. The drafting of the Statement of Principles must take into account the requirements of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 ('the 2006 Regulations'). In addition, the Gambling Commission's Guidance to Licensing Authorities ('the Guidance') prescribes that in determining its policy, the Licensing Authority must have regard to the Guidance and give appropriate weight to the views of those it has consulted.

6.2. Finance Implications

6.2.1. There are no direct financial implications in relation to the requested decision.

6.3. Policy Implications

6.3.1. The Council is required to revise and adopt a Statement of Gambling Principles every three years.

6.4. Equality Implications

6.4.1. Consideration has been given to the application of the 'public sector equality duty' (in accordance with section 149 Equality Act 2010) to the recommendation. The decision requested is likely to have a neutral effect in terms of its impact on those individuals with 'protected characteristics.'

6.4.2. As part of the research undertaken when writing the Local Area Profile within the Statement of Policy, it has been identified that white, working class males in the lower age ranges are most at risk from problem gambling. That profile includes characteristics which are protected under the Equality Act 2012.

6.4.3. As part of the Gambling Commissions Operating Licence conditions and the Licence conditions and codes of practice all gambling operators must have a policy setting out how they will ensure that gambling is conducted appropriately and in accordance with the Licensing Objectives. This is usually called a social responsibility policy and would include provisions setting out how an operator would protect those with protected characteristics from the harms caused by problem gambling.

6.4.4. An Equality Impact Assessment has been carried out as part of this process.

6.5. Human Resources Implications

6.5.1. There are no human resource implications

6.6. Risk Management Implications

6.6.1. It should be noted that the Gambling Act 2005 requires the Licensing Authority to have a Statement of Gambling Principles. However, there is no penalty that could be applied if the Licensing Authority did not adopt a Statement. Notwithstanding, any decisions taken where a policy was not in place could be subject to Judicial Review.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People / Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health in relation to the requested decision.

6.9.2. However, gambling as an activity can have significant and devastating affect on problem gamblers and their families and friends. As identified in the Area Profile the number of premises licensed for gambling in Cheshire East is comparatively low. Additionally, we have recently seen a number of betting shops surrender their licences. Statistically, Cheshire East can be looking at either 3,354 or 1,864 (depending on which measure is used). It can therefore be seen that despite the relatively low number of licensed premises there could still be significant harm being caused to residents. What we are not able to identify is by which method problem gamblers are gambling in Cheshire East (eg betting shops, scratch cards, or online gambling etc).

6.9.3. The Government has recently changed the stakes payable in relation to class B2 gaming machines. These types of machines are commonly referred to as Fixed Odds Betting Terminals (FOBTs) and were usually available for play in betting shops. The Council cannot restrict the number of FOBTs in a betting shop or control them through conditions on any licence.

6.9.4. The Council cannot regulate online gambling within Cheshire East. The regulation of these activities is within the remit of the Gambling Commission. The Commission, in their participation in gambling annual report, has recently reported that online gambling activity has increased.

6.10 Climate Change Implications

6.10.1 There are no direct implications for climate change.

7. Ward Members Affected

7.1. The Statement of Gambling Principles is a Borough wide policy and therefore has the potential to impact on all wards.

8. Consultation & Engagement

8.1. The consultation process followed was that laid down by The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006, which is summarised at paragraph 5.10 of this report.

9. Access to Information

9.1. The changes made to the Statement during the revision have been logged and are attached at appendix 2 for ease of reference.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

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