

Report of:	Adam Allen, Director of Culture, Communities and Communications Julia Rostron, Executive Member for Adult Social Care and Public Health
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AGENDA ITEM 10

Submitted to:	Full Council – 5 December 2018
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Subject:	Approval of the Statement of Gambling Act Policy 2019-2022
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Summary

Proposed decision(s)
That Council approve the Gambling Act 2005: Licensing Policy Statement 2019-2022

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	Yes	No	No

Contribution to delivery of the 2018-22 Strategic Plan		
Business Imperatives	Physical Regeneration	Social Regeneration
This policy will help regulate the gambling sector across Middlesbrough, helping to ensure a fairer, safer and stronger Middlesbrough in line with legislative requirements.	The policy will support the physical regeneration via the investment prospectus by helping to build a City Centre that is attractive to visit where people feel safe and supported.	The policy will help regulate the gambling sector ensuring that businesses take account of local demographics and levels of deprivation and that people are not encouraged to undertake irresponsible or harmful gambling

Ward(s) affected
All Wards

What is the purpose of this report?

1. To seek Council’s approval of the Gambling Act 2005: Licensing Policy Statement.

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Why does this report require a Member decision?

2. In accordance with the requirements of the Gambling Act 2005 there is a statutory requirement for the Policy to be approved by Full Council.

Report Background

3. The Gambling Act 2005 gives powers and responsibilities to licensing authorities to issue licences for gambling premises. This legislation came into full effect in September 2007 and effectively modernised gambling legislation, providing an improved structure for gambling regulation.
4. The Act also created a new independent regulatory body; The Gambling Commission. The Gambling Commission regulates operators and deals with national gambling issues.
5. The Act contains three licensing objectives underpinning the function that the Gambling Commission and local authorities perform. The objectives are:-
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
6. The Act provides for three types of licences. Operating and Personal licences both of which are issued by the Gambling Commission. Premises Licences however, are issued by the Council and as their name suggests, they authorise the provision of gambling facilities on certain premises including casinos, bingo halls, betting shops, adult gaming centres and family entertainment centres. Councils may attach conditions to such licences. In carrying out this function, Members should note that s153 of the Gambling Act stipulates that a licensing authority should (subject to the objectives above, relevant guidance and its Statement of Policy) aim to permit the use of premises for gambling and may not have regard to the expected demand for the proposed facilities. Neither, under the Gambling Commission's guidance, can moral or ethical objections to gambling be a valid reason to reject applications.
7. The Council, as a licensing authority, is required to prepare and publish a Gambling Act 2005 Licensing Policy Statement of principles that it proposes to apply in exercising its functions under the Act. In December 2006, the Council formally ratified its first Statement of Gambling Licensing Policy. The Policy was reviewed in 2009, reflecting changes as a result of the Council being approved as one of the Local Authorities permitted to issue a Large Casino Premises License. The Policy has been reviewed and amended every 3 years since that date with the existing Policy being ratified by the Council in December 2015 and implemented on 31 January 2016.
8. Licensing Authorities are required to keep their Gambling Policy under review and, as a minimum, perform a formal review every three years; therefore this authority is

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required to complete the formal review of its current policy by 31 January 2019.

Changes to the Policy

9. A draft amended Policy was prepared by Officers for consultation. This did not contain any significant amendments except for an input from Public Health in relation to potential harms from gambling and the introduction of a local area profile of Middlesbrough to assist Gambling Operators in preparing a risk assessment when applying for premises licences in the Middlesbrough area.
10. Since 6 April 2016, the Gambling Commission's 'Licence Conditions Code of Practice'(LCCP) has required all existing licensees that provide gambling facilities at their premises, to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. Licensees must take into account any relevant matters identified in the Licensing Authorities Policy when making their risk assessments.
11. To assist Gambling Operators in preparing their risk assessments the revised Policy will include a Local Area Profile for Middlesbrough which includes levels of deprivation in each ward and a map of Middlesbrough detailing the location of gambling premises and the locations of schools and other educational institutions.

Consultation

12. A comprehensive consultation was carried out between 24 August 2018 and 21 September 2018. Details of the consultees appear in Appendix B to the policy document itself. At the end of the consultation period 2 responses/comments had been received. These responses are reproduced in Appendix 1 to this report, along with Officer comments and any subsequent amendments.
13. The final draft Policy is appended at Appendix 2.

What decision(s) are being asked for?

14. That Council approve the Gambling Act 2005: Licensing Policy Statement 2019-2022

Why is this being recommended?

15. To comply with statutory requirements.

Other potential decisions and why these have not been recommended

16. There are no other potential options/decisions as this is a statutory requirement.

Impact(s) of recommended decision(s)

17. The impact of approving the report will result in the Council complying with the statutory requirement to prepare and publish a Gambling Policy every 3 years.

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Legal

18. As stated above, in line with the Gambling Act 2005; Licensing Authorities are required to review their Gambling Policy every three years. The current Gambling Policy was implemented on 31 January 2016 and therefore must be reviewed and published by 31 January 2019.

Financial

19. The ongoing costs of the administration and regulation responsibilities under the Gambling Act 2005 are met through initial application and annual fees.

Policy Framework

20. Approval of the recommendations will not affect any part of the Council's Policy Framework.

Equality and Diversity

21. An initial assessment has been carried out and no differential impact which would have an adverse impact on protected groups has been identified in this policy.

Risk

22. There is a high risk of legal challenge to any decisions made by the Council when exercising its functions under the Gambling Act 2005 if there is no valid Gambling Policy in place.

Actions to be taken to implement the decision(s)

23. Once the Policy is approved there is a statutory requirement for the Council to advertise the publication of the Policy for a period of 4 weeks before it can come into effect.

Appendices

24. Appendix 1: Responses to consultation
Appendix 2: Draft Gambling Policy 2019-2022

Background papers

Body	Report title	Date
Gambling Commission	Guidance to Licensing Authorities 5 th Edition	September 2015 (updated Sept 2016)

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