

Date of meeting:	22 November 2021
Title of Report:	Gambling Statement of Principles (Gambling Policy)
Lead Member:	Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)
Lead Strategic Director:	Ruth Harrell (Director of Public Health)
Author:	Rachael Hind
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Your Reference:	RH/GSoP
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

The report provides details of the three year review of the City Council's Gambling Act Statement of Licensing Policy and contains a draft policy to commence from 31 January 2022. The Statement of Licensing Policy is specified within the Council's Policy Framework, therefore, City Council is required to consider and formally adopt the revised policy prior to the expiry of the current policy on the 30 January 2022.

The Gambling Act 2005 (the Act) creates the regulatory system that governs the provision of all gambling in Great Britain, other than for the National Lottery and spread betting.

The regulation of gambling aims to promote the following licensing objectives:

- 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.

Plymouth City Council is designated as a licensing authority for the purposes of the Gambling Act 2005 and is responsible for granting premises licenses within its area. Gambling premises would include casinos, bingo halls, betting shops, adult gaming centres and family entertainment centres. The Gambling Commission regulate the operators of gambling activities and how gambling is undertaken.

The Act requires the Council to review and publish a Statement of Licensing Policy every three years on how we will exercise our functions over the three year period to which it applies.

The new policy has only required minor updates as the policy was updated in detail in 2019. The minor updates include reference to the Local Area Gambling Profile which was published in April 2020 and guidance for businesses to assist them in undertaking the local gambling risk assessments.

The Policy has been presented at Cabinet on 12 October 2021 and the Cabinet Members agreed that the Statement of Principles contained in Appendix B should be adopted with effect from 31 January 2022.

Recommendations and Reasons

That Council considers this report and agrees to adopt the proposed Gambling Act Statement of Principles contained in Appendix B with effect from 31 January 2022.

Alternative options considered and rejected

No alternative options are available.

In order to comply with statutory requirements the Policy must be considered and adopted by City Council at the meeting set for 22 November 2021. There is a statutory requirement to publish the revised policy, at least four weeks before the date on which it comes into effect. Failure to meet these timescales would result in the Council not being able to process any applications after the 31 January 2022 until a new policy statement had been formally approved.

Relevance to the Corporate Plan and/or the Plymouth Plan

The relationship to the Corporate Plan (and Plymouth Plan) –

Unlocking the City's Potential – Gambling is a part of the local leisure and entertainment industry offered within the City. This revised policy will provide businesses with a consistent and transparent view of how the Council will consider premises licence applications in respect to the design, layout and operation of premises used for gambling activities

Caring for people and communities – Gambling activities could negatively affect a participant's welfare. This revised policy and the licensing system will assist in minimising the risk of negative impact as far as the law allows. The statutory controls via the Gambling Commission and Local Authorities will assist in excluding children and young persons from accessing age-restricted activities, or those with any gambling addiction.

Plymouth Plan – the Policy will assist in the delivery of Policy HEA5 – Delivering safe and strong communities and good quality neighbourhoods.

Implications for the Medium Term Financial Plan and Resource Implications:

None

The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 sets out the standards to be followed in the setting of gambling fees and charges. The regulations do not set a specific fee that the authority must charge but set a maximum that cannot be exceeded.

The Council Constitution and Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee, who have determined that its fees should be set at the maximum level to secure full cost recovery in carrying out its regulatory functions as specified in the Act.

Financial Risks:

None. Fees for this process are recovered by the gambling fees and charges as stated above.

Carbon Footprint (Environmental) Implications:

Emails, instead of sending letters, were sent to as many contacts as possible for the consultation process. The proposed policy documents were not sent with any letters and was available to view via the Council website. A copy of the proposed policy with tracked changes was available to view so that the changes could be easily identified and all correspondence encouraged everyone to read the policy online rather than printing it.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

The Equalities Impact Assessment concluded that the new Statement of Licensing Principles (Gambling Policy) would promote equality. It is a statutory requirement that no persons under the age of eighteen shall be permitted entry to age-restricted licensed premises for the purposes of gambling, although there is no upper limit. There are no restrictions that apply to any of the other protected characteristics i.e. disability, gender, race and sexual orientation.

Problem gambling can cause significant social and health problems, irrespective of socioeconomic status. The adverse impacts on family members, including children, are also clear (34% of callers to Gamcare reported gambling affected the family, friend or partner). Problem gambling can exacerbate child poverty. Parents who have a gambling problem may adversely affect their children's well-being; they are less likely to parent well; they will have less money to spend to meet their family's needs; and they may be less able to work.

Local data identifying the number of persons who are at risk of or those that experience problem gambling is not easily obtainable. National surveys are undertaken periodically by NatCen which show that 3.9% of adults are classified as "at risk" using the Problem Gambling Severity Index (PGSI). Problem gambling was more prevalent among people who had participated in a number of gambling activities in the past year. Prevalence was 11.9% for those who participated in seven or more activities compared to 0.3% of these who had taken part in just one gambling activity in the past year.

The policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities providing that they are lawful and within their licensing requirements, in particular in respect to the protection of young persons and other vulnerable persons.

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		<i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Appendix A: Consultation response received regarding the Gambling Statement of Principles							
B	Appendix B: Proposed Gambling Statement of Principles (Gambling Policy) 2022 - 2025							
C	Equalities Impact Assessment							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)						
	If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
	1	2	3	4	5	6	7

Sign off:

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Originating Senior Leadership Team member: Rob Nelder (Consultant Public Health)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 18/08/2021											
Cabinet Member approval: Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)											
Date approved: 25/08/2021											

Briefing Report

1.0 Background

- 1.1 The Gambling Act 2005 (the Act) contains the regulatory system that governs the provision of all gambling in Great Britain, other than for the National Lottery.
- 1.2 Plymouth City Council is designated as a 'licensing authority' for the purposes of the Gambling Act 2005 and is therefore responsible for granting premises licenses within its administrative district in respect of;
 - Casino premises;
 - Bingo premises;
 - Betting premises, including tracks;
 - Adult Gaming Centres;
 - Family Entertainment Centres.
- 1.3 The Gambling Commission regulates gaming and certain lotteries. They are responsible for issuing new operating licences under the Act to organisations and individuals who are providing facilities for gambling and personal licences to certain categories of people working in the gambling industry. In general the Gambling Commission regulate the operation of the gambling activities, whilst the Licensing Authority regulates the environment in which the gambling activity takes place, such as the building.
- 1.4 The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 sets out the standards to be followed in the setting of gambling fees and charges. The regulations do not set a specific fee that the authority must charge but set a maximum that cannot be exceeded. The Council Constitution Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee, who has determined that fees should be set at the maximum level to secure full cost recovery in carrying out its regulatory functions as specified by the Act.
- 1.5 The report provides details of the 3 year review of the City Councils Gambling Act Statement of Licensing Policy and contains a draft policy to commence from 31 January 2022. The Statement of Licensing Policy is specified within the Council's Policy Framework, therefore, Full Council is required to consider and formally adopt the revised policy prior to the expiry of the current policy on the 30th January 2022.
- 1.6 The Gambling Policy (Statement of Principles) was updated in detail in 2019 and therefore only minor changes are required.

2.0 Statement of Licensing Policy

- 2.1 The Council are required to publish a Gambling Statement of Principles (Gambling Policy) regarding the exercise of their functions in a manner, which is consistent with three licensing objectives. The licensing objectives are:
 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 2. Ensuring that gambling is conducted in a fair and open way, and
 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Council's existing Statement of Principles is due to expire on the 30 January 2022, therefore the current review must be completed and the revised policy in place by this date in order for the Council to continue to be able to administer this legislative function.

- 2.2 The Council's revised policy is divided into three parts.

Part A sets out a **statement of principles** of how the Council, as the licensing authority, will discharge its functions, its policy on the exchange of information and the better regulation principles that will be applied;

Part B sets out the **general principles of how the Council will consider applications**, its relationship with other agencies and the relevance of licensing conditions;

Part C sets out **how the Council will issue gaming machine permits**.

- 2.3 Most people who gamble do so safely most of the time. But gambling can be harmful for some. Excessive play due to inexperience or binge gambling, periods of loss of control and more serious gambling addiction. The harm suffered is not restricted to the gambler, but also felt by families, friends, communities and employers.

Inequalities and the protection of children and vulnerable persons is a priority for the City. Parents who have a gambling problem may adversely affect their children's well-being; they are less likely to parent well; they will have less money to spend to meet their family's needs; and they may be less able to work.

- 2.4 The new policy includes reference to the Local Area Gambling Profiles which were published in April 2020. The local area profile has been produced with our Public Health colleagues and is an assessment of the key characteristics of Plymouth in the context of gambling related harm. The information obtained for the assessment helps to provide a better understanding of the types of people that are at risk of being vulnerable to gambling related harm, where they are located and any current or emerging problems that may increase that risk. The profiles can be used by gambling operators to assess local risks to the licensing objectives, posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate the risks. The profiles will also assist gambling operators in undertaking and preparing their local premises risk assessment.

The new policy also refers to the 'Guide to undertaking local gambling risk assessments' which was produced last year to assist gambling operators in undertaking, preparing and reviewing their local premises risk assessments.

- 2.5 The policy also provides further detail with regards to how the Licensing Authority will deal with applications in buildings which are divided into more than one premises and what is expected of applicants.

3.0 Public Consultation

- 3.1 The Council is required to consult publicly with stakeholders affected by the administration of its functions under the Act. A six week public consultation exercise was undertaken between 01 July 2021 and 16 August 2021, which included writing to the following interested parties:

Citizen's Advice Bureau

Safer Plymouth

Devon and Cornwall Constabulary

Plymouth City Council

Social Services

Education

Public Health

Team Plymouth

Environmental Health

Devon & Somerset Fire and Rescue Service

Gambling welfare support organisations

Gambling Commission

Local businesses groups

Local faith groups

Local residents groups

NSPCC

Existing licence-holders

Voluntary & Community organisations working with children & young people

Ward Councillors

- 3.2 The Gambling Act Statement of Licensing Policy is specified within the Council's Policy Framework.
- 3.3 One response was received from the consultation. Please see appendix A. As detailed in Appendix A, a number of changes were made in response to the letter received.

