

CAMBRIDGE CITY COUNCIL

REPORT OF: Victoria Jameson
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TO: Licensing Committee

12 October 2015

WARDS: All

REVIEW OF STATEMENT OF GAMBLING PRINCIPLES (GAMBLING ACT 2005)

1 INTRODUCTION

1.1 Cambridge City Council, as the Licensing Authority, is required to discharge its responsibilities under the Gambling Act 2005 with a view to promoting the three licensing objectives, namely;

- 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.

1.2 The Gambling Act 2005 was designed to be a light touch legislation covering a number of “licensable activities”. Such activities are defined within the Act.

1.3 All councils are required to re-write their policies and have them in place for January 2016.

2. RECOMMENDATIONS

2.1 Members are recommended:

To endorse the post-consultation draft Statement of Gambling Principles shown in Appendix A and recommend to full Council that the policy is approved for publication on 21 December 2015 for it to come in to effect on 18 January 2016.

3. BACKGROUND

- 3.1 The Gambling Act 2005 came fully in to effect on 1 September 2007. It created a new system of licensing and regulation for commercial gambling in this country. The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. The main functions are to:
- license premises for gambling activities;
 - consider notices given for the temporary use of premises for gambling;
 - grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
 - regulate gaming and gaming machines in alcohol licensed premises;
 - grant permits to family entertainment centres for the use of certain lower stake gaming machines;
 - grant permits for prize gaming;
 - consider occasional use notices for betting at tracks; and
 - register small societies' lotteries
- 3.2 In addition, section 349 of the Gambling Act 2005 requires that the Council prepares and publishes a Statement of Principles that it proposes to apply in exercising its function under the Act, before each successive period of three years.
- 3.3 The Statement of Principles must be formulated in accordance with, and reflect the guidance issued by, the Gambling Commission and Government Codes of Practice. The principles essentially inform the processes that the Council would normally follow in conducting its duties as the Licensing Authority.
- 3.4 During the spring and summer of 2015 The Gambling Commission has updated the advice for Local Authorities on how to prepare the Statement of Gambling Principles. It has changed its Licence Conditions and Codes of Practice (LCCP) for operators which will need to be reflected in the Council's Statement of Principles in due course, once further guidance on the new mandatory requirements is available.
- 3.5 The changes will allow the Council to create a Statement which is more reflective of local circumstances and issues than is the case now and under the new provisions the Council will be able to create a Local Area Profile to map the risks in Cambridge City of gambling-related harm according to a range of criteria. This could include:

- Mental health prevalence
 - Significant ethnic groups
 - Significant life stage groups (such as children or emerging adults)
 - Financial/ debt problems
 - Housing instability
 - Alcohol consumption
 - Employment and income
- 3.6 The London Borough of Westminster and Manchester City Council have jointly commissioned research that will be made available for all Local Authorities to assist them in producing detailed Local Area Profiles of their communities and local needs.
- 3.7 Operators that apply for licences will be required to produce a risk assessment that is specific to Cambridge City Council's Local Area Profile and Statement of Gambling Principles. The risk assessment should address how the operator will mitigate any risks outlined. Furthermore, operators will be required to demonstrate in their applications how they will prevent underage gambling and also their attitude to social responsibility.
- 3.8 Given the extensive, detailed research that would be required to produce and consult on a Local Area Profile, it would not be possible to undertake this and produce the completed document in time to meet the January deadline for the Council's Statement of Principles.
- 3.9 Therefore officers have undertaken a 'light touch' review of the existing statement for approval, in order to ensure that we are legally compliant, with a view to a far more in depth review and new Statement being produced during 2016.
- 3.10 The Council last published its Statement of Principles on 21 December 2012 and it is a requirement of the Act that the revised Policy must be approved at a full meeting of the Council. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies defined by the Act. Additionally the authority is empowered to consult with other organisations as is deemed appropriate.
- 3.11 The draft revised statement, like its predecessor, is based on the nationally accepted template produced by Local Authorities Co-ordinators of Regulatory Services (LACORS).
- 3.12 A 12 week consultation process took place between 3rd July 2015 and 25th September 2015 1 response was received. The response stated that "Gambling draws in the most vulnerable of our society and our

Council should be doing all it can to protect them. This means stopping and preventing all further development of gambling establishments. You should be doing everything in your power to achieve this". The Council will be addressing this in the further review, local area profiling and risk assessment work in 2016. The draft Statement of Gambling Principles is attached to the report as Appendix A.

- 3.13 The final Statement must be published no later than 21 December 2015 so that it comes in to effect no later than 18 January 2016 in order for the Council's statutory duty to be fulfilled.

4. OPTIONS

- 4.1 The Committee may resolve to:

4.1.1 To endorse the post-consultation draft Statement of Gambling Principles shown in Appendix A and recommend to full Council that the policy is approved for publication on 21 December 2015 for it to come in to effect on 18 January 2016; or

4.1.2 Amend the draft Statement of Principles and recommend to full Council that the policy is approved for publication on 21 December 2015 for it to come in to effect on 18 January 2016.

5. CONSULTATIONS

- 5.1 Consultation on the draft policy took place between 3rd July 2015 and 25th September 2015 1 response has been received.

6. CONCLUSIONS

- 6.1 Cambridge City Council has a duty to determine and publish a Statement of Principles no later than 21 December 2015. The policy must therefore be referred to full Council for adoption to fulfil the Council's statutory duty.

7. IMPLICATIONS

(a) **Financial Implications**

The review of the Statement of Principles is a statutory function, covered by the fees paid by Licence and permit holders.

(b) **Staffing Implications**

Existing staff resources will apply the policy once finalised.

(c) **Equality and Poverty Implications**

This is a statutory policy and it promotes equal opportunities. The policy does not prohibit any person from making an application or objecting to an application where they have a statutory right to do so.

An Equalities Impact Assessment has been completed and is attached as Appendix B.

(d) **Environmental Implications**

There are no apparent environmental implications that result from the draft policy.

(e) **Community Safety**

The Statement of Principles will ensure that in carrying out its statutory duties, the Licensing Authority will promote the licensing objectives:

- (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.

APPENDICES

Appendix A

Draft Statement of Principles.

Appendix B

Equalities Impact Assessment.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- Gambling Act 2005
- Guidance Published by the Gambling Commission in May 2015
- Existing Statement of Gambling Principles published on 21 December 2012.

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Date originated: 24 September 2015

Date of last revision: 24 September 2015