

Gambling Act 2005 Statement of Policy - Revisions



Introduction and Background

A public consultation on the updated Statement of Principles under the Gambling Act 2005 was undertaken from 3rd July 2015 to 3rd September 2015. The updated Statement was approved at Licensing Sub-Committee on 12th October 2015 and Full Council on 22nd October 2015.

The Council is required to prepare and publish a Statement of Principles for each successive three year period and the current Statement became effective for the period January 2016 to January 2019, the Statement sets out the principles that the Council will apply in exercising its functions under the Act.

During the spring and summer of 2015 The Gambling Commission updated the advice for Local Authorities on how to prepare the Statement of Gambling Principles allowing, under new provisions, the Council 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 and employment & income.

Gambling 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 outline. Furthermore, operators will be required to demonstrate in their applications how they will prevent underage gambling and also their attitude to social responsibility.

Officers undertook a 'light touch' review of the Statement of Principles in 2015, to ensure legal compliance, with a view to a far more in depth review and a revised Statement being produced by April 2016.

The current Statement of Principles can be found here:

https://www.cambridge.gov.uk/sites/default/files/gambling_statement_of_principles_january_2016.pdf

The Gambling Act 2005

The Gambling Act 2005 gives Licensing Authorities various regulatory functions in relation to gambling. The main functions of Licensing Authorities include:

- Licensing premises for gambling activities,
- Considering notices given for the temporary use of premises for gambling,
- Granting permits for gaming and gaming machines in clubs,
- Regulating gaming and gaming machines in alcohol licensed premises,
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines,
- Granting permits for prize gaming; and
- Registering Small Society Lotteries.

A Gambling Statement of Principles is required to address the three licensing objectives of the Act which 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.

Risk Assessment and Local Area Profiles

Licensing Authorities are already familiar with a risk based approach to compliance and targeting resources and effort where risk is greatest. To provide greater clarity, and make more explicit what an assessment of gambling related risks might look like, there is:

- Guidance on Undertaking Local Gambling Risk Assessments,
- Gambling Risk Assessment; and
- Cambridge City Local Area Profile

as an addendum to the existing Gambling Statement of Principles.

Although not a mandatory requirement, the Local Area Profile will increase awareness of local risks and improve information sharing. This will facilitate constructive engagement with licensees and a more co-ordinated response to local risks. The Local Area Profile will also help to inform the risk assessment section of any new licence application or application to vary a licence.

For example, an area could be identified as high risks on the basis that it is located within close proximity to a youth centre, rehabilitation centre or a school. The Licensing Authority might therefore indicate that they would expect licensees to take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be

nearby. The licensee would be reasonably expected to have sufficient controls in place to mitigate associated risks in such areas and, if not, the Licensing Authority could consider implementing other controls.

Having a Local Area Profile will bring the following benefits:

- Enable Licensing Authorities to better serve their local community by better reflecting the community and the risks within it,
- Enable Licensing Authorities to make robust decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
- Encourage operators and applicants to take a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

It is anticipated that our 'local area profile' will develop over time and will be influenced by information and intelligence from researchers, key partners and other stakeholders.

Consultation

The Gambling Commission Guidance (para 6.64) states that “Authorities should note that where a statement is revised, it is only the revision that needs to be published and consulted on. So, for example, an authority may consult separately on whether to pass a casino resolution and then subsequently publish the resolution as part of the statement. This can be done without any need to review and reopen consultation on the main body of the statement. The same would apply if the licensing authority was updating its local area profile to take account of changing local risks. Any revisions must be published and advertised in the same way as a new statement.”

Cambridge City Council is consulting on a revision to the Gambling Act 2005 Statement of Principles for 2016-19.

An addendum covering Risk Assessment and the Local Area Profile is included as a revision to the existing Statement and draft documents can be found in the appendices.

The consultation is open to the public and the closing date for submitting consultation responses is **14 February 2016**.

Send your response:

- By email to licensing@cambridge.gov.uk please include the words 'Gambling Consultation' in the subject field; or
- In writing to Licensing & Enforcement, Environmental Health Service, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH.

The licensing authority is particularly interested in hearing from responsible authorities as well as other organisations/ individuals in the area that can give input to 'map' local risks in the City. If there is sufficient information to develop the Local Area Profile it will help increase awareness of local risks and improve information

sharing, facilitate constructive engagement with licensees and develop a more coordinated response to local risks.

Any comments that you forward to the Licensing Authority should clearly state your name, any organisation or persons you may be responding on behalf of and your address. It would also be helpful if you would give a brief description of any specific interest you have in gambling matters (for example you may be involved in some capacity with existing gambling premises, vulnerable persons/ children's groups, or be an individual or business affected by gambling premises near to you).

It should be noted that the Gambling Commission Guidance advises that demand for gambling premises; public nuisance and morality issues are not considerations under this legislation. Therefore the authority may not be in a position to consider any comments of this nature.