

Cheltenham Borough Council
Cabinet – 4 December 2018
Gambling Policy Statement

Accountable member	Councillor Andrew McKinlay, Cabinet Member for Development & Safety
Accountable officer	Mike Redman, Director of Environment
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>The Gambling Act 2005 requires that the council produce, consult on and publish a statement of the principles that they propose to apply when exercising their functions under the Act.</p> <p>The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.</p> <p>Cheltenham Borough Council published its existing Statement of Principles in February 2016.</p> <p>Consultation has been undertaken on a revised policy statement. This report sets out the outcome of the consultation and seeks Cabinet approval for the adoption of the policy by Council.</p>
Recommendations	<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Note the proposed changes to the Statement of Principles and consultation responses; and 2. Recommend the policy statement for approval by full Council.
Financial implications	<p>There are no significant financial implications within this report.</p> <p>Contact officer: Andrew Knott , Andrew.knott@cheltenham.gov.uk, 01242 264121</p>

Legal implications	<p>Cheltenham Borough Council is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.</p> <p>The council must also ensure that it complies with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006).</p> <p>The adoption of the revised Statement of Principles is a shared function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and therefore Cabinet must be asked to consider the draft Statement of Principles and to recommend to Council that it be adopted.</p> <p>Contact officer: vikki.fennell@tewkesbury.gov.uk, 01684 272015</p>
HR implications (including learning and organisational development)	<p>There are no HR implications within this report.</p> <p>Contact officer: Clare Jones, clare.jones@publicagroup.uk</p>
Key risks	<p>As identified in Appendix 1</p>
Corporate and community plan Implications	
Environmental and climate change implications	<p>None</p>
Property/Asset Implications	<p>None</p> <p>Contact officer: Dominic.Stead@cheltenham.gov.uk</p>

1. Background

- 1.1 Cheltenham Borough Council is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.
- 1.2 The council must also ensure that it complies with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006). These regulations govern the form statements must take, the procedure to be followed in relation to the preparation, review or revision of statements and the publication of statements.
- 1.3 Consultation has been undertaken on a revised policy statement between September and November 2018. This report sets out the draft policy statement revisions, consultation feedback and is seeking approval from Cabinet for Council to adopt the revised policy statement.

2. Gambling Act 2005

- 2.1 The Gambling Act 2005 is the primary legislation regulating all forms of gambling activity in the UK. Under the Act, gambling is defined as:
 - 2.1.1 gaming (within the meaning of section 6);
 - 2.1.2 betting (within the meaning of section 9); and
 - 2.1.3 participating in a lottery (within the meaning of section 14).
- 2.2 The Act sets out a number of licensing objectives that the council is bound by when discharging any of its functions under the Act:
 - 2.2.1 preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - 2.2.2 ensuring that gambling is conducted in a fair and open way; and
 - 2.2.3 protecting children and other vulnerable persons from being harmed or exploited by gambling.

3. Policy statement revisions

- 3.1 The policy statement has generally been updated with changes to legislation, national policy and best practice guidance. Draft changes of note:
 - 3.1.1 A new section on **Local Area Profiles** has been added. These allow the council to draw up a profile of the borough with particular emphasis on the effect of gambling establishments on local communities and then to use this data to inform decision making in relation to the council's functions under the Gambling Act. The policy statement sets out a commitment to engage with the County Council's Public Health Team to develop such a local area profile.
 - 3.1.2 A new section on **Local Risk Assessments** has been added. This provision reflects the Gambling Commission's Social Responsibility (SR) code 10.1.1 which requires gambling operators to undertake local risk assessments for their licensed premises. These risk assessments must implement policies, procedures and control measures to mitigate gambling related risks. These must be presented to the council when it makes decisions in relation to new gambling establishments and changes to existing ones.
 - 3.1.3 The section on **Exchange of Information** has been updated to reflect the recent changes to data protection and privacy laws.
 - 3.1.4 The Government recently announced the outcome of its review of **fixed odds better terminals**

(FOBTs) stakes. A reduction of the maximum stakes that these types of gaming machines can charge, from £100 to £2, will be implemented in April 2019. Whilst the regulation of gaming machine stakes is a matter for central Government, the policy will need to be revised at the appropriate time to reflect the changes to be introduced.

3.1.5 The draft revised policy is attached at Appendix 2. The tracked changes on the draft revised policy is for Member's reference and information and will be dispensed with once the policy has been adopted.

4. Consultation and feedback

4.1 When reviewing its policy statement, the council is required to consult with:

4.1.1 the chief officer of police for the authority's area,

4.1.2 one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and

4.1.3 one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

4.2 The council is therefore required to consult with the chief officer of the police, persons who represent the interests of persons carrying on gambling businesses (such as trade organisations) and persons who represent the interests of persons who are likely to be affected by gambling (such as support groups and charities).

4.3 The Council must also advertise the publication of the reviewed policy statement by publishing a notice on its website and in one or more of the following places:

4.3.1 a local newspaper circulating in the area covered by the statement,

4.3.2 a local newsletter, circular, or similar document circulating in the area covered by the statement,

4.3.3 a public notice board in or near the principal office of the authority,

4.3.4 a public notice board on the premises of public libraries in the area covered by the statement.

4.4 Accordingly, consultation was undertaken between September and November 2018.

4.5 The consultation procedure is set out in regulations under the Gambling Act and was complied with during the consultation. A list of consultees is set out in the policy statement's appendix A for reference.

4.6 In total 5 consultation responses were received during the consultation period. These, and officers' responses, are attached at Appendix 3.

5. Adoption

5.1 The Gambling Policy Statement is designated as being part of the council's Policy Framework and as such the constitution, under Part 3B, delegates the authority to adopt the revised policy statement to Full Council.

6. Reasons for recommendations

6.1 In order to ensure the council complies with its statutory duties to review and adopted a revised policy statement by 2019.

7. Alternative options considered

- 7.1** Cabinet can resolve not to approve the draft changes to the policy statement. This however will render the policy statement out of date and ineffective as a regulatory tool.
- 7.2** Cabinet can also resolve to make further changes to the policy statement if it is of the view that the draft policy statement is lacking. Any such changes will require Council approval.

8. Performance management –monitoring and review

- 8.1** The performance of the policy statement will be monitored on the basis of its ability to properly regulate gambling activity in the borough in accordance with the policy statement's requirements.

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Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Draft Policy Statement3. Consultation feedback and officer response
Background information	<ol style="list-style-type: none">1. Service records

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	<p>Failure to publish a revised Statement of Principles within the required timescale would leave Cheltenham Borough Council in breach of its statutory obligations.</p> <p>This could lead to legal challenges, costs to the council and adversely affect the council's reputation.</p>	Licensing Team Leader	Nov 18	2	4	8	Accept	Approve statement for adoption.	Nov 18	Licensing Team Leader	
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

Guidance

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;

- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

Risk ref

If the risk is already recorded, note either the corporate risk register or TEN reference

Risk Description

Please use “If xx happens then xx will be the consequence” (cause and effect). For example “If the council’s business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted.”

Risk owner

Please identify the lead officer who has identified the risk and will be responsible for it.

Risk score

Impact on a scale from 1 to 5 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

Control

Either: Reduce / Accept / Transfer to 3rd party / Close

Action

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

Responsible officer

Please identify the lead officer who will be responsible for the action to control the risk.

For further guidance, please refer to the [risk management policy](#)

Transferred to risk register

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on