

Cheltenham Borough Council
Council – 18 February 2019
Adoption of 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 produces, consults on and publishes a statement of the principles that it proposes to apply when exercising its 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 Council approval for the adoption of the policy.</p>
Recommendations	<p>Council is recommended to:</p> <ol style="list-style-type: none"> 1. Note the proposed changes to the Statement of Principles and associated consultation responses; and 2. Approve the adoption of the policy statement.
Financial implications	<p>There are no significant financial implications relating to this report.</p> <p>Contact officer: Andrew Knott , Andrew.knott@cheltenham.gov.uk, 01242 264121</p>

<p>Legal implications</p>	<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>
<p>HR implications (including learning and organisational development)</p>	<p>There are no direct HR implications relating to this report.</p> <p>Contact officer: Clare Jones, clare.jones@publicagroup.uk</p>
<p>Key risks</p>	<p>As identified in Appendix 1</p>
<p>Corporate and community plan Implications</p>	
<p>Environmental and climate change implications</p>	<p>None</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 and consultation feedback and seeks approval from 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. This allows 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 betting 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 are for Members' 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 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:

4.2.1 a local newspaper circulating in the area covered by the statement;

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

4.2.3 a public notice board in or near the principal office of the authority;

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

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

4.4 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.

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

4.6 On 18 December 2018, Cabinet approved the draft policy and recommended it for adoption by Council.

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 Council can resolve not to approve the draft changes to the policy statement. This will however render the policy statement out of date and ineffective as a regulatory tool.

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 records2. Cabinet report and minutes, 18 December 2018

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	Jan 19	2	4	8	Reduce	Approve statement for adoption.	Jan 19	Licensing Team Leader	
	<p>If Council does not approve the adoption of the revised policy statement, the Council may be less effective in dealing and responding to any local gambling related harm issues.</p>	Licensing Team Leader	Jan 19	3	4	12	Reduce	Approve statement for adoption.	Jan 19	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>											