

Cheltenham Borough Council
Cabinet Member Customer & Regulatory Services – 12 July 2021
Consultation on Gambling Policy Statement

Accountable member	Councillor Martin Horwood, Cabinet Member Customer & Regulatory Services
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 2019.</p> <p>A review of the policy statement has been undertaken in accordance with the statutory requirements. Permission is sought from the Cabinet Member for Customer & Regulatory Services to consult on the Gambling Policy Statement.</p>
Recommendations	The Cabinet Member Customer & Regulatory Services is recommended to approve the Gambling Policy Statement at appendix 2 for consultation.

Financial implications	<p>There are no significant financial implications within this report.</p> <p>Contact officer: Andy Taylor, Andrew.taylor@cheltenham.gov.uk</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, 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	As identified in appendix 1
Corporate and community plan Implications	
Environmental and climate change implications	Not applicable
Property/Asset Implications	Not applicable

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 A review has been undertaken in accordance with the statutory requirements. Given that there have been no substantial changes to legislation and national guidance, the proposed changes to the Gambling Policy Statement are minimal.
- 1.4 In May 2021, the statutory guidance was updated, although the Commission commented that it did not consider that licensing authorities would have to make any significant changes (if any) to their Statement of Policy in relation to the new statutory guidance, given that the changes were minimal and of no significant importance.
- 1.5 As such, and aside from minor updates, the only section of the Statement of Principles that has seen any substantial updates is section 5 that deals with local risk assessments for premises. This section has been updated to strengthen and clarify the local expectations relating to risk assessments.
- 1.6 The work to create local area profiles is still ongoing. This work requires input from GCC Public Health, but due to the Covid pandemic, this work has not started. The Statement of Policy notes (section 4) that this work is yet to be completed but this will not be done prior to the adoption of this iteration of the policy review.

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. Reasons for recommendations

- 3.1 In order to ensure the council complies with its statutory duties under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.

4. Alternative options considered

4.1 The Cabinet Member can decide not to approve the Gambling Policy Statement for consultation but must be aware of the risks of doing so as outlined in Appendix 1.

5. Consultation and feedback

5.1 When reviewing its policy statement, the Council is required to consult with:

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

5.1.2 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

5.1.3 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.

5.2 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:

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

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

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

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

6. Performance management –monitoring and review

6.1 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	1. Risk Assessment 2. Draft Policy Statement
Background information	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>	Director of Environment	June 21	3	2	6	Accept	Consult on revised Gambling Policy Statement			
	<p>Failure to publish a revised Statement of Principles might adversely impact on the authority's ability to adequately regulate gambling activity in the interest of promoting the licensing objectives.</p>	Director of Environment	June 21	3	2	6	Accept	Consult on revised Gambling Policy Statement			
<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>											