

Joint Executive (Cabinet) Committee

Title of Report:	West Suffolk Gambling Act 2005: Statement of Policy 2019 to 2022	
Report No:	CAB/JT/18/035	
Report to and date/s:	Joint Executive (Cabinet) Committee	17 October 2018
	St Edmundsbury Council	30 October 2018
	Forest Heath Council	31 October 2018
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Lead officer:	David Collinson Assistant Director (Planning and Regulatory Services) Tel: 01284 757306 Email: david.collinson@westsuffolk.gov.uk	
Purpose of report:	To consider the results of a public consultation and seek approval for adoption of a revised joint West Suffolk Councils Statement of Policy in accordance with the Gambling Act 2005 2016-2019.	
Recommendation:	It is <u>RECOMMENDED</u> that subject to the approval of Forest Heath District and St Edmundsbury Borough Councils, the revised West Suffolk Gambling Act 2005: Statement of Policy for the period 2019 to 2022, as contained in Appendix 2 to Report No: CAB/JT/18/035, be adopted.	
Key Decision: (Check the appropriate box and delete all those that do not apply.)	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

<p><i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i></p>			
Consultation:		16 July to 11 September 2018 (statutory consultees only)	
Alternative option(s):		None applicable	
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> See body of report. A Statement of Principles is required under the Gambling Act 2005 – see report body and Appendix 2	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • No impact identified	
Risk/opportunity assessment: <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Failure to consult on a revised statement of principles – resulting in weak and challengeable policy	High	Planned consultation and further review of feedback prior to finalising and process of adoption	
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Gambling Commission Guidance to Local Authorities (updated September 2015) https://www.gamblingcommission.gov.uk/PDF/GLA5.pdf	
Documents attached:		<p>Appendix 1 – Consultation response summary</p> <p>Appendix 2 - Revised West Suffolk Gambling Act 2005: Statement of Policy (incorporating consultation changes) 2019-2022</p> <p>Appendix 3 – New Local Area Profile (previously part of policy above)</p>	

1. Key issues and reasons for recommendation

1.1 Background

1.1.1 The West Suffolk Statement of Gambling Policy sets out how Forest Heath District Council and St Edmundsbury Borough Council, in their role as licensing authorities, will carry out their functions under the Gambling Act 2005. It recognises the importance of responsible gambling within the entertainment industry whilst seeking to balance this with the key objectives of the Act. The objectives are:

- Preventing gambling from being a source of crime and 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.

1.1.2 The objective of the statement of policy is to provide a vision for the local area and a statement of intent that guides practice. Licensing authorities must have regard to their statement when carrying out their licensing functions. The statement cannot create new requirements for applicants outside of the Act, and cannot override the right of any person to make an application under the Act, make representations or seek a review of a licence. However, it can invite people and operators in particular to consider local issues and set out how they can contribute towards positively addressing them.

1.1.3 A statement of policy typically runs for a period of three years, although there is nothing to prevent the authority from updating more frequently if it wishes to. The current policy expires on 30 January 2019 and a revised version has been consulted on with statutory consultees. This will then require review in 2021 for re-adoption by January 2022.

1.1.4 Subject to adoption by January 2019, by both Forest Heath District Council and St Edmundsbury Borough Council, the Gambling Act 2005 Statement of Policy will then be one of a number of policies needing to be 'rolled forward' to the new single council. This will require non-substantive changes limited to rebranding and technical wording changes, for example: "councils" to "council".

1.2 **Changes to the Gambling Act 2005 Statement of Policy**

1.2.1 There were no legislative changes in the 2016-2019 period to reflect in the revised policy. The only changes (outlined in red in Appendix 2) were structural and updating facts and figures, as set out in the table below:

Section	Page no.	Change
2.2 About the area	4	Removing key facts and figures about West Suffolk and it's gambling activity, for inclusion in the Local Area Profile (appendix 3)
2.3 Policy development	5	Updating dates for consultation and decision on re-adoption of the policy
10.5 Local Area Profiles	11	Adding in rationale for having a separate local area profile and where it can be found

1.2.2 Local Area Profile

As required by the Gambling Act 2005, a local authority's statement of policy requires operators to prepare a local area risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated. In undertaking their local area risk assessments, they must take into account relevant matters identified in the local authority's Statement of Policy and they can reference the council's Local Area Profile. A licensing authority can request that the licensee share a copy of its own local area risk assessment which will set out the measures the licensee has in place to address specific concerns.

1.2.3 In contrast to the current policy, the revised information about the effect of gambling on areas of West Suffolk is now set out in the Local Area Profile, as in Appendix 3. We recommend this is kept as a separate document according to new Gambling Commission best practice guidance. On a national level, the ambition is that the added detail in these separate profiles will contribute to reducing the current evidence gap surrounding who may be vulnerable and where they are likely to be, which will help better inform local area risk assessments. Having it as a separate document allows it to be updated on a more regular basis, ensuring operator local area risk assessments reflect the most up accurate locality characteristics as possible.

1.2.4 Appendix 3 is the first draft of our Local Area Profile document which we will review following single council. This review will ensure we are providing enough helpful information for operators and directing them to more information about the area they are based in at ward or settlement level.

1.2.5 It should be noted that, at the time of preparing this edition of the Statement of Policy, there has been no evidence to support the assertion that any part had or is experiencing problems from gambling activities. This position will be kept under review, however, as the councils see this as best practice to compile and regularly update a basic guidance document outlining ward profiles and licensing figures.

1.3 **Community Impact**

1.3.1 **Equality and Diversity Impact**

There are no substantive local policy changes as part of the review.

1.3.2 **Other Impact** (*any other impacts affecting this report*)

This work supports the Councils' public health and wellbeing responsibilities and we recommend the 2022 review incorporates considering a more 'whole council' approach as gambling is increasingly recognised as a complex public health issue, where other aspects of regulation could play a part.

In the meantime, current and prospective licensees will now have access to more detailed information about the gambling activity in the local area, which should inform their statutory local area risk assessments.

1.4 **Consultation**

1.4.1 Given that no substantive local policy changes were proposed in the revised version of the Gambling Act 2005 Statement of Policy, we carried out proportionate engagement with key stakeholders. This involved requesting comments from the following statutory consultees:

- the chief officer of police for the area;
- representatives of gambling businesses; and
- representatives of those people likely to be affected by the authorities gambling licensing activity.

A list of key stakeholders can be found in Schedule A of the draft policy.

1.4.2 We only received one response as part of this engagement, as set out in Appendix A. We suspect the low response is due to the limited nature of the changes proposed.

1.4.3 Response from GamCare

The response received was from the problem gambling support service GamCare. They are the leading national provider of information, advice, support and free treatment for anyone affected by problem gambling. This was a standard reply and they explained they didn't have the time to reply individually to local authority policy consultations. However it did include helpful recommendations based on best practice.

1.4.4 Officers reviewed the need for this and recommend that licensing officers complete relevant online training provided by the gambling commission to keep up to date on recommendations such as this.

In terms of the specific recommendations we have already taken the following action to improve our policy:

- The existing 2016-2019 Gambling Act 2005 Statement of policy recommends that gambling premises make leaflets and other advertising materials for gambling support services, such as GamCare.

- We have updated the local area profile to include reference to the support services available in section 3 of the local profile.

Separate to the re-adoption of the policy, we will also undertake the following:

- Continue to recommend operators provide advertising materials for problem gambling support services, such as GamCare, as set out in our current policy;
- Ensure licensing officers recommend operators attend relevant GamCare training; and
- Regularly review our local area profile

1.4.5 The policy already recommends operators and licensed establishments provide leaflets or advertisements about the help available for problem gambling, such as those for GamCare. Section 3 of The Local Area Profile defines problem gambling and we recommend referencing the NHS advice on problem gambling help services available at the end of this section.