

West Suffolk Gambling Act 2005: Statement of Policy 2022 to 2025

Report number:	CAB/WS/21/048	
Report to and dates:	Cabinet	9 November 2021
	Council	14 December 2021
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Decisions Plan: The decision made as a result of this report will usually be published within 48 hours. This item will be referred to Council for a final decision and is, therefore, not subject to call-in. This item is included on the Decisions Plan.

Wards impacted: All Wards

Recommendation: It is recommended that, subject to the approval of Council:

- 1. To agree the revised West Suffolk Gambling Act 2005: Statement of Policy for the period 2022 to 2025, as contained in Appendix B to Report number CAB/WS/21/048.**
- 2. To agree to the revised West Suffolk Local Area Profile, as contained in Appendix C to Report number CAB/WS/21/048.**

1. Background

- 1.1 The West Suffolk Statement of Gambling Policy sets out how the council, in its role as licensing authority, will carry out its functions under the Gambling Act 2005. It recognises the importance of responsible gambling within the entertainment industry, while 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
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 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, make representations or seek a review of a licence under the Act. However, it can invite people and operators consider local issues and set out how they can contribute towards positively addressing them.
- 1.3 To this end, the council has updated the Local Area Profile (LAP). A LAP is an assessment of the key characteristics of West Suffolk in the context of gambling-related harm. The information obtained for the assessment helps to provide a better understanding of the types of people that are at risk of being vulnerable to gambling-related harm; where they are located and any current or emerging problems that may increase that risk. The local area profile will help set out our expectations of operators of gambling premises.
- 1.4 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 31 January 2022 and a revised version has been consulted on with statutory consultees. This will then require review in 2024 for re-adoption by January 2025.

2. Proposals within this report

- 2.1 The policy statement summarises West Suffolk Council's approach to licensing gambling activities. It sets out how the council exercises its functions in relation to gambling licensing matters under the Gambling Act 2005.
- 2.2 The Act regulates the following sectors:
- Arcades
 - Betting
 - Bingo

- Casinos
- Gambling software
- Gaming machines
- Lotteries
- Remote gambling

- 2.3 Within the legislation, Licensing authorities are responsible for:
- Issuing gambling operators with premises licenses
 - Issuing gambling operators with permits (which allow low stakes gambling in venues which are not primarily for gambling)
 - Registering societies – allowing them to hold small lotteries
 - Compliance and enforcement of the Gambling Act 2005 locally
- 2.4 The revised policy that has been subject to consultation, contained minor changes and the consultation has broadly supported these changes.
- 2.5 Pre-consultation, the only change to the policy was centred around the statutory reduction of maximum stakes for Fixed Odds Betting Terminals (FOBTs) – which has been reduced from £100 to £2 – and enacted into law in April 2019. Following consultation with stakeholders, one additional alteration was made to update the HM Revenues and Customs contact details.
- 2.6 The Local Area Profile has also been updated. Our approach is based on the possible risk to gambling-related harm, in adherence to the objectives set out in the Act. Some or many of these matters will have been considered and addressed by existing premises.
- 2.7 Matters relating to children and young persons, such as:
- Significant presence of young children
 - Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.
 - Areas that are prone to issues of anti-social behaviour and high crime areas
 - Community facilities
 - Other gambling premises in the vicinity
- 2.8 Matters relating to vulnerable adults, such as:
- Proximity of premises which may be frequented by vulnerable people such as hospitals, mental health providers, medical facilities, doctor’s surgeries, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.
 - Community facilities
 - High crime area
 - High unemployment area
 - Areas of high deprivation
 - Indications of financial difficulties and debt

- Pawn broker/pay day loan businesses in the vicinity
- All religious or faith denominations including proximity to churches or any other place of worship.
- Homelessness and temporary accommodation (information kept confidential by West Suffolk Council)
- Other gambling premises in the vicinity

3. Alternative options

3.1 The council is statutorily obliged to publish a Statement of Licensing Policy, and to consult on that policy in a way that the council deems appropriate.

3.2 However, the council could agree the revised Gambling Act 2005 Statement of Licensing Policy, but not agree to the updated Local Area Risk Profile. This would mean that the licensing approach to gambling is not as robust as possible, particularly with regards to the objectives of the Act.

4. Consultation and engagement undertaken

4.1 There is a statutory duty to undertake a consultation to gauge impact and opinion among key stakeholders. This was held between 16 August 2021 and 20 September 2021.

4.2 The consultation followed best practice by focusing on direct engagement with the key stakeholders. The stakeholders identified were:

- The police constabulary
- Parish and town councils
- Public Health (Suffolk County Council)
- Persons/bodies representative of license holders/businesses in the area
- Other government departments
- Charities and the third sector

4.3 In total, two responses were received (please see Appendix A), from Public Health (Suffolk County Council) and HM Revenue and Customs.

4.4 All respondents were able to provide comment on any aspect of the policy statement. Both responses highlighted issues or recommendations in this way. The council has set out specific responses to each comment and made alterations to the policy statement accordingly where applicable including the addition of a statement that risk assessments should make reference to the council's area profile which may be compiled with respect to reported gambling related problems in an area (please see Appendix B).

5. Risks associated with the proposals

- 5.1 There are no risks associated with the proposals. All elements of the policy statement are already council practice, as directed by statutory guidance.

6. Implications arising from the proposals

- 6.1 Financial – there are no specific financial implications arising from this report.
- 6.2 Crime and disorder – the council has a duty to consider the potential impact of its decisions on crime and disorder. It is anticipated that the actions in this report will all have a positive or neutral impact on crime and disorder.
- 6.3 External organisations (such as businesses and community groups) – officers included partner organisations as key external stakeholders.

7. Appendices referenced in this report

- 7.1 Appendix A – Consultation Response Summary
Appendix B – West Suffolk Gambling Act Statement of Policy 2022 to 2025
Appendix C – West Suffolk Local Authority Profile