

Report of the Cabinet Member for Wellbeing and Healthy City

Cabinet – 20 August 2015

REVIEW OF THE GAMBLING POLICY

Purpose:	To seek agreement for the draft of the revised Gambling Policy, for the period January 2016 to January 2019, to be issued for consultation.
Policy Framework:	The City and County of Swansea, Statement of Principles, Gambling Act 2005. (The Gambling Policy)
Reason for Decision:	To comply with the requirements of the Gambling Act 2005 and to publish the policy by the required date of 31 st January 2016.
Consultation:	Legal, Finance and Access to Services.
Recommendation:	It is recommended that: Cabinet approves the draft of the revised Gambling Policy attached at Appendix A, to be issued for consultation.
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1.0 Introduction

- 1.1 The Gambling Act 2005 (the Act) requires the City and County of Swansea, as the Licensing Authority, to review its Statement of Principles under the Gambling Act 2005, (Gambling Policy), every three years.
- 1.2 The current Gambling Policy was adopted at Council on 20th December 2012 for publication in January 2013.

1.3 The reviewed Policy must be issued for consultation and adopted by Council before publication. The Policy must be published at least 4 weeks before it comes into effect on the 31st January 2016.

2.0 The Gambling Policy

2.1 The Gambling Policy must comply with the requirements of the Act. Account should also be taken of guidance issued by the Gambling Commission. (The Guidance)

2.2 The Guidance was first issued in April 2006 and has subsequently been revised. The latest version (5th edition) was issued in March 2015.

3.0 Proposed Changes to the Policy

3.1 A copy of the draft of the revised Policy is attached at Appendix A to this report. The changes proposed are identified in bold italics and any text to be removed is shown by striking through.

3.2 The majority of the Policy has not been changed. Where changes have been made, these are to reflect the changes made to The Guidance and also to provide clarification in respect of specific matters.

3.3 The main changes proposed are:

- § The Document has been renumbered.
- § A paragraph has been added in respect of when amendments may be made to the policy without the need for consultation. (Paragraph 2.3, page 4)
- § A paragraph has been added identifying when the Licensing Authority may depart from the Policy. (Paragraph 2.5, page 4)
- § A change has been made in respect of the body designated as competent to advise the Licensing Authority about the protection of children from harm. (Paragraph 5.2, page 6)
- § A paragraph has been added in respect of partnership working to promote the delivery of the licensing objectives. (Paragraph 7.3, page 8)
- § Paragraphs have been added in respect of a risk based inspection programme. (Paragraphs 9.6 & 9.7, pages 9 & 10)
- § A paragraph has been added confirming the fundamental rights of applicants, responsible authorities and interested parties. (Paragraph 10, page 10)
- § A paragraph has been added in respect of integrating strategies. (Paragraph 11, page 10)

- § A paragraph has been added in respect of a new requirement that operators consider local risks. (Paragraph 12.5, page 11)
- § A paragraph has been added in respect of the grant of a premises licence. (Paragraph 14.3, page 12)
- § A paragraph has been added clarifying the difference between betting machines and gaming machines. (Paragraph 24.5, page 20)
- § A paragraph has been added in respect of adult gaming provided as supplementary activity to the main purpose in premises. (Paragraph 26.3, page 22)
- § Paragraphs have been added detailing the measures the Licensing Authority may consider to meet the licensing objectives in respect of Adult Gaming Centres and Licensed Family Entertainment Centres (FECs). (Paragraphs 26.4 & 27.3, pages 22 & 23)
- § A paragraph has been added confirming the procedure the Licensing Authority will follow in respect of Category C gaming machines in licensed FECs. (Paragraph 27.4, page 23)
- § A paragraph has been added defining Travelling Fairs (Paragraph 28.1, page 23)
- § Additional information has been added in respect of a review of a premises licence. (Paragraph 30, pages 24 & 25)
- § A paragraph has been added defining Unlicensed Family Entertainment Centres. (Paragraph 32.3, page 26)
- § Additional information has been added in respect of Alcohol Licensed Premises. (Paragraph 33, pages 26, 27 & 28)
- § A paragraph has been added defining Equal Chance Gaming. (Paragraph 34.1, page 28)
- § A paragraph has been added in respect of Club Gaming Permits (Paragraphs 34.2 & 34.3, page 28)
- § A paragraph has been added in respect of Prize Gaming (Paragraph 35.1, page 29)
- § A paragraph has been added in respect of objections to Occasional Use Notices (Paragraph 37.2, page 30)

- § Information has been added in respect of the Licensing Objectives (Paragraph 39, pages 30,31, 32 & 33)
- § Information on local risk assessments for operators has been added. (Paragraph 40, page 33)
- § Information in respect of a new concept of local area profiles has been added. (Paragraph 41, pages 34)
- § Additional information in respect of decision making has been added. (Paragraph 42, page 34 & 35)
- § Details of the appeal procedure for parties aggrieved by decisions of the Licensing Authority have been added. (Paragraph 43, page 35)
- § Information on the Licensing Authority providing reasons for decisions has been added. (Paragraph 44, page 35)
- § Information in respect of the Licensing Authority implementing Magistrate Court decisions has been added. (Paragraph 45, page 35 & 36)
- § Details of how the Licensing Authority will deal with concerns in respect of licensed premises have been added. (Paragraph 46, page 36)
- § A paragraph has been added in respect of encouraging operators to develop an information sharing network. (Paragraph 47, page 36)
- § Changes have been made to the list of consultees (Appendix B, page 39)
- § Changes have been made to the bullet points in the table (Appendix C, page 40)

4.0 Local Area Profiles

- 4.1 The Guidance introduces the concept of a local area profile (LAP). This is a means for Licensing Authorities to map out local areas of concern. The purpose of a LAP is to provide both licensing authorities and operators with a greater awareness of areas and the risk they present. There is no requirement for an authority to have a LAP or, if they have a LAP, for it to be included in the policy.
- 4.2 The Guidance considers that an effective LAP is likely to take account of a wide range of factors, data and information held by the Licensing Authority and its partners. The Guidance states that an important

element of preparing the LAP is proactive engagement with relevant partners that can have an input into mapping local risks in the area. As this is a new concept, work to consider the development of a LAP for the City and County of Swansea is in the very early stages.

- 4.3 Where the Licensing authority develops a LAP, this will be contained in a separate document and made available in conjunction with the Policy. This will allow the document to be developed and amended without the need for full consultations.

5.0 Equality and Engagement Implications

- 5.1 An Equalities Impact Assessment (EIA) Screening Form has been completed with the agreed outcome that a full EIA report was not required.

6.0 Financial Implications

- 6.1 There are no financial implications associated with this report.

7.0 Legal Implications

- 7.1 It is a legal requirement that the Policy is reviewed every three years.
- 7.2 The Act, statutory guidance and statutory instruments set out requirements regarding the form and content of the policy.

Background Papers: Gambling Commission guidance to licensing authorities (5th edition).

Appendices: Appendix A – Draft Gambling Policy.