

**Report of the Cabinet Member for Enterprise, Development and
Regeneration**

Council - 26 November 2015

REVIEW OF THE GAMBLING POLICY

Purpose:	To consider the responses to the consultation on the draft of the revised Gambling Policy, for the period January 2016 to January 2019.
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 January 2016.
Consultation:	Extensive consultation on the proposed amendments to the policy has been undertaken involving existing licence holders, representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members. Legal, Finance, Access to Services have been consulted in respect of this report.
Recommendation:	<p>It is recommended that:</p> <p>Council adopts the revised Policy attached at Appendix A and the additional suggested amendment in paragraph 4.2 of the report, as the Statement of Policy for Gambling for the City and County of Swansea from 31 January 2016.</p>
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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 (the 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.
- 1.4 On 20th August 2015 Cabinet agreed the proposed amendments to the Policy to be issued for consultation. A copy of the draft Policy issued for consultation is attached at Appendix A to the report.

2.0 The Consultation

- 2.1 Extensive consultation on the proposed amendments to the Policy was undertaken involving existing licence holders, representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members.
- 2.2 The consultation period ended on the 2nd October 2015 and two responses were received. These were from Coral Racing Limited, which operates betting offices across Great Britain and Gosschalks Solicitors, acting for the Association of British Bookmakers (ABB). Copies of the responses are attached at Appendix B and C respectively.

3.0 The Responses

- 3.1 In summary the response received from Coral Racing Limited provides background information on the company and confirms that they are broadly supportive of the Policy document
- 3.2 Coral's make specific mention of paragraph 40.3 of the document, which deals with local risk assessments for operators, in particular they express the view that highlighting particular locations in the policy infers that a betting shop in such locations may not be appropriate. The response also confirms that they are not aware of evidence that problem gambling is taking place at such locations and that the location of a licensed betting office within the proximity of schools or similar locations will cause harm to the licensing objective.
- 3.3 Coral confirms that that they already operate systems which ensure that the licensing objectives are strongly promoted across its estates and believes that there is no requirement to list specific locations or if they are listed, the Policy should confirm that the Council knows of no link between such locations and a licensed betting office.
- 3.4 The response from Gosschalks Solicitors, confirms that the response is submitted on behalf of the ABB, details their involvement with a high

percentage of the High Street betting market, explains the ABB approach to partnership working with local authorities, details its views on the implementation of the new Licence Conditions and Codes of Practice (LCCP) requirements relating to local area risk assessments and their impact on the licensing regime and also makes specific comments on the amended Policy.

- 3.5 The specific comments in respect of the amended Policy relate to paragraphs 24 and 40.
- 3.6 In respect of paragraph 24 they suggest that the Policy would be assisted by an acknowledgement that a betting premises licence authorises the holder to make up to 4 gaming machines available as gaming machines are not subject to conditions on a licence, unlike betting machines.
- 3.7 In respect of paragraph 40 specific reference is made to paragraph 40.3, in particular the matters referred to regarding the location of the premises, problems of anti-social behaviour, youth crime, street/underage drinking etc. are not considered to be relevant matters for operators to consider when undertaking local risk assessments and it is suggested that they are removed from the policy.

4.0 Officer Observations

- 4.1 The information contained within the two responses received has been considered by officers and the following observations are made.
- 4.2 In respect of the comments made regarding paragraph 24, it is suggested that the Policy is amended to reflect the observations made as follows. Paragraph to be added at 24.6 which states:

“The holder of a betting premises licence may make available for use, up to four gaming machines of Category B, C or D. Category B machines at betting premises are restricted to sub-category B2, B3 and B4.”

- 4.3 In respect of paragraph 40.3, whilst it is noted that the responses provided represent companies that have considerable experience in the operations of betting offices, the purpose of the information contained in paragraph 40.3 is to provide guidance to assist all licence holders in assessing the local risks posed by the provision of gambling facilities at each of their premises and to enable them to have policies, procedures and control measures in place to mitigate those risks. The matters listed may not be relevant to all premises and paragraph 40.3 also states that the list is not exhaustive and other relevant factors should also be taken into consideration. In view of this it is considered that matters listed in paragraph 40.3 should be retained, therefore no further amendments to the policy are suggested.

5.0 Proposed Changes to the Policy

- 5.1 A copy of the draft of the revised Policy issued for consultation 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.

5.2 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.

5.3 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 following 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)

5.4 In addition to the above changes it is also suggested that following the consultation, paragraph 24.6 is added, as detailed in paragraph 4.2 of this report.

6.0 Equality and Engagement Implications

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

7.0 Financial Implications

7.1 There are no financial implications associated with this report.

8.0 Legal Implications

8.1 It is a legal requirement that the Policy is reviewed every three years.

8.2 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.
 Appendix B – Response from Coral Racing Limited
 Appendix C – Response from Gosschalks Solicitors