

TRAFFORD COUNCIL

Report to: Council
Date: 24th November 2021
Report for: Decision
Report of: Executive Member for Environmental and Regulatory Services

Report Title

Gambling Act 2005 – Statement of Gambling Principles 2022-2025

Summary

The Council is required to prepare, consult on and publish a Statement of Gambling Principles in accordance with the Gambling Act 2005.

The Council is invited to consider the summary of responses received following the statutory consultation.

Recommendation(s)

It is recommended that the Council note the recommendations of the Executive on the 22nd November and:

1. Note the feedback from the recent public and trade consultation on the proposed Statement of Gambling Principles; and
2. Adopt the Statement of Gambling Principles 2022-2025 as attached at Appendix 3.

Contact person for access to background papers and further information:

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Background Papers: None

1.0 Background

Relationship to Policy Framework/Corporate Priorities	<i>Having a Policy on how the Council will administer its functions under the Gambling Act 2005 makes the processing of applications more efficient by giving residents, applicants and decision makers clear guidance on what factors will be taken into consideration when making decisions.</i>
Relationship to GM Policy or Strategy Framework	<i>The Policy reflects the common approach to be taken across all 10 Greater Manchester Authorities.</i>
Financial	<i>There will be no net additional cost to the Council</i>
Legal Implications:	<i>Section 349 of the Gambling Act requires the Council to publish a Statement of Gambling Policy every three years.</i>
Equality/Diversity Implications	<i>An EIA is attached to the report at Appendix 4</i>
Sustainability Implications	<i>None</i>
Carbon Reduction	<i>None</i>
Staffing/E-Government/Asset Management Implications	<i>None</i>
Risk Management Implications	<i>None</i>
Health and Safety Implications	<i>None</i>
Health and Well-being Implications	<i>One of the aims of the policy is to prevent and reduce the negative impacts of gambling on individuals, families and communities. We are working with partners across Greater Manchester to ensure that gambling is a safe and enjoyable activity for all who choose to take part.</i>

- 1.1 Under the terms of the Gambling Act 2005 the Council is required to prepare, consult on and publish a statement of principles that it proposes to apply in exercising its functions under the Act, applicable to a three year period. The Council published its last Statement of Gambling Principles on the 31st January 2019 and must now review and publish any revisions to its Principles by 31st January 2022.
- 1.2 The Council's Statement of Principles was reviewed to ascertain if it was necessary to update the policy to incorporate either any new guidance from the Gambling Commission; or any significant changes in the local area.
- 1.3 This year the 10 Greater Manchester Licensing Authorities have agreed to take a common approach to refreshing their gambling policies, so this policy reflects the principles adopted across the region.

2.0 Revisions (Highlighted yellow in Policy Document)

3.0 Equality Impact Assessment

3.1 The assessment found no significant negative impact anticipated from implementing the proposed changes to the Policy. The Act is a permissive

Paragraph	Revision	Reason
2.2- 2.5	Addition	To define and differentiate clearly the definitions of 'Gaming', 'Betting' and 'Lottery'
2.6	Addition	It changes the responsibility of the regulation of Gambling to being Shared between the Gambling Commission (GC) and Local Authorities (LA). GC take lead to ensure Gambling is conducted in a fair and open manner through administration and enforcement. GC are responsible for remote gambling activities via the internet, television or radio
3.11-3.17	Addition	It includes the Councils commitment to reference and consult Public Health regarding their involvement/insight of research, raising awareness and treatment programmes relating to Gambling disorder within GM. It directs the Director of Public Health to the Gambling Commissions toolkit.
3.23-3.28	Addition	Clarifies the Local Authority (LA) view on sharing information in the course of processing applications, abiding by the Freedom of Information Act and the General Data Protection Regulation (GDPR). Identifies what circumstances that information will be kept in the context of the Gambling Act. Places a Statutory duty on the LA to notify various parties regarding applications using statutory forms. Inserts a commitment by the LA in several circumstances to notify the GC of information received i.e. concern regarding serious disorder, the suitability of operators; and if an alcohol licenced premise/club/institute are holding bingo in the week with stakes and prizes exceeding £2000

regime and applications must be granted unless there are good reasons not

		Emphasises that the LA will act in accordance with legislation and guidance from the commission and adopt better regulation
3.36-3.39	Addition	This section details factors which will <u>not</u> be relevant in respect of a licence application if 'Interested parties' or 'responsible authorities' wish to comment.
3.45- 3.47	Addition	Inserts additional requirements of premises that can be used for gambling and will be granted a licence. It notes that a licence will not prejudice or prevent action under appropriate planning or building law.
3.48-3.51	Addition	Inserts applicant requirements set out under The Gambling Act (s51) to submit plans of premises to the LA to assess whether they are fit and proper for gambling, and is appropriate in conjunction with the risk assessment.
3.52	Addition	Inserts additional considerations for applicants in their plans of track events
4.6-4.7	Addition	Adds additional considerations for the LA to consider in determining whether to grant or refuse an application.
4.8- 4.10	Addition	Sets out how the licensing committee decides what conditions are applied to a premises licence and specifies the different organisations who can specify conditions.
4.15	Addition	Additional bullet point for the LA to consider when determining whether to go ahead and review a licence.
5.1- 5.18	Addition	To include additional relevant factors when determining an application and review.
5.25- 5.27	Addition	Additions and inclusions to prevent gambling from being a source of disorder and associated with crime or disorder; additional needs to consult and develop relationships with the police; additional measures to be considered and included.

5.28	Addition	Includes the general objective of ensuring that gambling is conducted in a fair and open way
5.30-5.36	Addition	<p>Inserts how licensees and applicants will be expected to demonstrate they have carefully considered vulnerable persons and the protection of children from harm. It includes having arrangements in place for preventing underage gambling,</p> <p>It includes the onus to consult a Mental Health Advisor and formulate a policy to protect persons of mental impairment or mental health difficulties from being harmed, or exploited.</p> <p>Arrangements in place for multi-occupancy premises, having arrangements in place for controlling access to children and the capability of different uses.</p> <p>Children not being permitted to premises where there are, or being able to, use Category C machines or above</p>
5.37-5.39	Addition	Inclusion of expectations of operators when it comes to their staffing provision.
5.40-5.43	Addition	Inclusion of expectation on operators to data share. Expectation to keep track of problem gambling in Trafford and share that information with the Licensing Section when requested. A template has been included of information to be provided.
5.44-5.55	Addition	Expectation of all customer facing staff and management staff to have knowledge and training to tackle risks and promote responsible gambling. It inserts a list of expectations of knowledge. There is also an expectation with managers to support standards with regard to protecting children from harm and vulnerable persons.
5.46-5.51	Addition	Sets out the expectation on how operators should monitor gaming and layout.

to do so and each licence application, where representations are made, will be considered against the three key Gambling Act objectives, namely: 1.

6.12	Addition	Expectation on operators to provide a breakdown of the number of electronic bingo machine terminals that they provide at their premises.
6.13- 6.22	Addition	Inserts requirements and restrictions for gaming machines at bingo premises, including limiting the number and times that the bingo machines are not provided. It allows for the licensing authority to limit the number.
6.23- 6.25	Addition	It acknowledges the phenomenon of Bongo Bingo in reliance of an alcohol licence. It encourages venues to send out responsible gambling messages.
6.26-6.29	Addition	Insertion to betting premises to encourage participation in the Safe Bet Alliance and demonstrate and incorporate safety measures. It stipulates times for betting premises, and that licensing authorities can only vary the hours if they have robust measures in place. It allows LA the power to restrict the number of betting machines
7.6-7.9	Addition	Inserts further measures for Unlicensed Family Entertainment centres, requiring the need for a permit if the premises does not hold a premises licence.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, 2. Ensuring that gambling is conducted in a fair and open way, and 3. Protecting children and other vulnerable persons from being harmed or exploited.

- 3.2 In the policy applicants are requested to have regard to the type of people that are likely to visit their premises in their application when identifying the steps they will take to promote the licensing objectives. Applicants will be expected to propose steps to ensure that the physical layout of the premises does not present any risks to 'vulnerable' people, some of whom may be disabled.
- 3.3 The policy outlines what the licensing authority's duty is and what the Council expects from licence holders in respect of protecting young people from harm. The policy makes provision for Children and Young Peoples services to act as the responsible authority for matters relating to the protection of children from harm and enables them to comment on variations/new applications and request reviews of licences.

4.0 Other Options

- 4.1 One option is for the Council not to approve and publish a Statement of Gambling Principles. The consequences of this course of action would be that the Council would not be complying with the requirement of the Gambling Act 2005, and the Council would not be able to effectively carry out any function in respect of applications made under the Act.
- 4.2 An alternative option would be to not include the proposed revisions in the Policy document. The consequences of this course of action would be that the Council could be seen as out of step with the other 9 Greater Manchester Authorities whose shared aim is to reduce the negative impacts of gambling; and to ensure that gambling is a safe and enjoyable activity for all who take part.

5.0 Consultation

- 5.1 The Act requires the Council to consult on its Policy with the police; those who represent the interests of gambling businesses in their area; and those which represent interested persons likely to be affected. The Policy was consulted on between the 9th July 2021 and the 3rd September 2021.
- 5.2 The Council received one direct response to its consultation which is detailed at **Appendix 1 – Summary of Responses**.
- 5.3 Oldham and Manchester Councils received a response from the Betting and Gaming Council as part of their consultation which has been accepted as a response to all 10 authorities and is detailed at **Appendix 2- Summary of Response - Betting and Gaming Council**.
- 5.4 A copy of the Council's proposed Statement of Gambling Principles for 2022 – 2025 is attached to this report at **Appendix 3**.
- 5.5 The Principles, if approved, will come into force on **31st January 2022**, and will remain in force for a period not exceeding three years, and will be subject to review and further consultation before **31st January 2025**. The Council will keep the policy under review, making any amendments as it considers appropriate.

6.0 Reasons for Recommendation

- 6.1 The Council is legally required to prepare, consult on and publish a statement of principles that it proposes to apply in exercising its functions under the Gambling Act, applicable to a three year period. The Statement of Principles proposed reflects the common approach to be taken across all 10 Greater Manchester Authorities to the processing of applications, giving clear guidance on what factors will be taken into consideration when making decisions. One of the aims of the policy is to prevent and reduce the negative impacts of gambling on individuals, families and communities.

7.0 Recommendation

7.1 It is recommended that the Council note the recommendations of the Executive on the 22nd November and:

7.1.1 Note the feedback from the recent public and trade consultation on the proposed Statement of Gambling Principles;

7.1.2 Recommend to Full Council to adopt the Statement of Gambling Principles 2022-2025 as attached at Appendix 3.

Key Decision (as defined in the Constitution): No

If Key Decision, has 28-day notice been given? N/A

Finance Officer Clearance **PC**

Legal Officer Clearance **SL**

CORPORATEDIRECTOR'S SIGNATURE



To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.