

TRAFFORD COUNCIL

Report to: Executive
Date: 21st October 2024
Report for: Noting
Report of: Executive Member for Communities and Safety

Report Title

Review of Trafford Council's Statement of Licensing Principles under the Gambling Act 2005

Summary

Section 349 of the Gambling Act 2005 requires a Licensing Authority to prepare and publish a statement of its gambling policy at least every three years.

The Council's current Gambling Act 2005 Statement of Licensing Principles was published in January 2022 and is now due for review.

This report outlines the review process and presents an unamended but reviewed policy to the Council for approval.

Recommendation(s)

The Executive is asked to:

- note the proposal not to amend the Council's current Gambling Policy pending further legislation and guidance from the Government; and
- note the responses to the proposals following a six week's consultation; and
- recommends to Council that it adopt the unamended Statement of Gambling Principles as attached at Appendix A.

Contact person for access to background papers and further information:

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| 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 transparent and gives residents, applicants and decision makers clear guidance on what factors will be taken into consideration when making decisions. Its aim is to ensure that our policies and procedures are consistent, appropriate and fair and in line with best practice nationally. It accords with the Council's policy and budget framework and supports the development of an effective and efficient Council.</i> |
| Relationship to GM Policy or Strategy Framework | <i>The Policy reflects the common approach to be taken across Greater Manchester Authorities.</i> |
| Financial | <i>Revenue and Capital: The Licensing Regime is a self-funded service. 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. The policy, if agreed by the Council, will be implemented and form the basis on which decisions are made on applications received by the Council.</i> |
| Equality/Diversity Implications | <i>Equality Impact Assessment is attached at Appendix D.</i> |
| Sustainability Implications | <i>None</i> |
| Carbon Reduction | <i>None</i> |
| Resource Implications e.g., Staffing / ICT / Assets | <i>None</i> |
| Risk Management Implications | <i>None</i> |
| Health & Wellbeing 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> |
| Health and Safety Implications | <i>As set out above the new standards have public safety as a core objective.</i> |

1. BACKGROUND

Gambling Act - Statement of Licensing Principles

- 1.1 The Gambling Act 2005 introduced a new licensing regime for gaming and betting administered through a combination of the Gambling Commission and local Licensing Authorities.
- 1.2 The Act regulates the following sectors:
 - Arcades
 - Betting
 - Bingo
 - Casinos
 - Gambling software
 - Gaming machines
 - Lotteries
 - Remote gambling
- 1.3 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
- 1.4 Every three years Licensing Authorities are required to review and publish a statement of the principles which they propose to apply when exercising their licensing functions.
- 1.5 The Gambling Act 2005 Statement of Licensing Principles (the Gambling Policy) was last published in 2022 and is therefore due for review.

Advice to Licensing Authorities and Gambling Act Review

- 1.6 On the 8th December 2020 the Government published its Gambling Act Review. Its purpose was to examine whether the 2005 Act provided the right “balance of regulation” in the digital age. The review noted concerns that too many people were “still experiencing significant harm” when gambling. There was therefore a need to look at whether “further protections” were needed to prevent the exploitation of vulnerable people. At the same time, the review wanted to respect the freedom of adults to choose how they spend their money, and the “value of a responsible industry which protects players, provides jobs and pays taxes”. A call for evidence on the review closed on 31 March 2021.
- 1.7 There were around 16,000 responses to the Gambling Act Review. On 27th April 2023 the Government published its White Paper on the reform of gambling regulation – *High Stakes: Gambling Reform for the Digital Age*. In it are proposals for the most significant changes to gambling regulation in Great Britain since the implementation of the Gambling Act 2005.
- 1.8 The white paper sets out proposals for reform in six areas:

- online gambling.
- marketing and advertising.
- the Gambling Commission's powers and resources.
- dispute resolution and consumer redress.
- children and young adults.
- land-based gambling (local authority responsibility)

1.9 In Summer 2023 the Gambling Commission published a consultation document on proposed changes to licence conditions and codes of practice, remote gambling and software technology. And in July 2023 the DCMS published a consultation document which contained five topics (relating to land-based gambling):

- Casino measures
- Machine allowance for arcades and bingo halls
- Cashless payments on gaming machines
- Introduction of an age limit on cash-out Category D slot style machines
- Review of licensing authority fees.

1.10 We await the next steps in the regulatory process which will take the proposals in the white paper to legislative changes, amended guidance and new technical regulations.

1.11 As there have been no major changes in advice to consider in terms of guidance; and pending the outcome of the Government's review of the Gambling Act; officers have reviewed the Council's current Gambling Policy and determined that it complies with all relevant requirements and, therefore, are proposing not to amend the Policy at this time.

1.12 The current Policy is attached to this report at **Appendix A**.

2. CONSULTATION

2.1 In line with the risk assessment methodology outlined in 'Consultation Principles' (November 2013) published by the Cabinet Office, a consultation on the Gambling Policy was carried out for a period of 6 weeks between the 5th July and the 16th August 2024.

2.2 This allowed an opportunity for all stakeholders, interested parties and the general public to make comments on the Policy.

2.3 In accordance with Section 349(3) of the Gambling Act 2005 the following were consulted on the proposals:

- The Chief of Police for the authority's area; and
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

Responses to the Consultation

- 2.4 There were no responses received to the consultation; nor any concerns raised about the Council's proposal not to amend the policy at this stage. This would seem to reflect the position of those who represent the industry and the wider public who, like the Council, are awaiting the next stage of the legislative process.

3.0 EQUALITY IMPACT ASSESSMENT

- 3.1 The assessment found no significant negative impact of the proposals as they retain the status quo. The Act is a permissive regime and applications must be granted unless there are good reasons not to do so and each licence application, where representations are made, will be considered against the three key Gambling Act objectives, namely:

1. 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. 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.

5. REASONS FOR RECOMMENDATION

- 5.1 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 gives 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.

- 5.2 The Principles, if approved, will come into force on 31st January 2025, and will remain in force for a period not exceeding three years, and will be subject to review and further consultation before 31st January 2028. The Council will keep

the policy under review and will carry out a full review of the policy sooner should there be any legislative changes, amended guidance or new technical regulations published within the next three years.

6. RECOMMENDATION

6.1 The Executive is asked to:

6.1.1 note the proposal not to amend the Council's current Gambling Policy pending further legislation and guidance from the Government; and

6.1.2 notes the responses to the proposals following a six week's consultation; and

6.1.3 recommends to Council that it adopt the unamended Statement of Gambling Principles as attached at Appendix A.

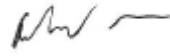
Key Decision (as defined in the Constitution): No

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

Finance Officer Clearance: *PC*

Legal Officer Clearance: *SL*

CORPORATE DIRECTOR'S SIGNATURE:



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

APPENDICIES:

Appendix A - Statement of Licensing Principles under the Gambling Act 2005

Appendix B – Equality Impact Assessment

