

Draft Statement of Principles 2019 - 2021

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Purpose of the Report

- To provide background information concerning the new proposed Statement of Principles.
- To advise Members of the responses received to the proposed amendments to the Statement of Principles for 2019 – 2021.

Recommendations

- (1) That the Licensing Committee approve the draft Statement of Principles together with the proposed amendments and recommend it to Full Council for consideration and adoption.
- (2) That Licensing Committee recommend to Full Council that the power to make any minor amendments to the policy is delegated to the Licensing Specialists in consultation with the Specialist Services Manager.

Background

The Gambling Act 2005, which received Royal Assent on 7th April 2005, gave responsibility for issuing licences, permits and notifications under this Act to the Gambling Commission and Licensing Authorities.

The Council in its capacity as a Licensing Authority, has responsibility for the area of South Somerset and is required to discharge its responsibilities under the Act with a view to promoting the three licensing objectives, namely:

- Preventing gambling from being a source of crime or 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.

The Act places a duty on the Licensing Authority to produce a Statement of Principles - (This may also be referred to as the "Gambling Policy"). Licensing Authorities are required to review the policy document every three years. In renewing this document, the Licensing Authority is required to take account of the views of those representing the holders of existing authorisations, local residents and businesses, and the Police.

Report Detail

The Gambling Act gives Licensing Authorities a number of important functions in relation to gambling. These functions include:

- licensing premises for gambling activities;
- considering notices given for the temporary use of premises for gambling;
- granting permits for gaming and gaming machines in clubs and miners' welfare institutes;

- regulating gaming and gaming machines in alcohol licensed premises;
- granting permits to family entertainment centres for the use of certain lower stake gaming machines;
- granting permits for prize gaming;
- considering occasional use notices for betting at tracks; and
- registering small societies' lotteries.

The current Statement of Principles can be found on our website at:
https://www.southsomerset.gov.uk/media/806702/ssdc_slp_2016_final.pdf

A copy of the draft Statement of Principles for 2019 – 2021, which shows the proposed changes via tracked changes, can also be found our website at:

https://www.southsomerset.gov.uk/media/926895/ssdc_slp_2019_25.09.18.pdf

The Statement, once adopted, is a material consideration to be taken into account when the Council is exercising any of its functions under the Act. In accordance with the Act and the Council's constitution, the Statement must be approved by full Council.

In the South Somerset area there are currently 310 authorisations issued under the Gambling Act 2005 in place; the table below shows a breakdown of the different types.

Premises Licence	Club Permits	Unlicensed Family Entertainment Centre	Alcohol Licensed Premises Permit	Alcohol Licensed Premises Notification	Small Society Lottery Registrations
10 x Betting (not on course)	18 x Club Machine Permits (up to 3 Gaming Machines Categories B3A, B4, C or D)	1	7 (3 or more Category C or D gaming machines)	99 (Up to 2 Category C or D gaming machines)	172
1 x Track	1 x Club Gaming Permit				
1 x Bingo					

Consultation

When preparing its Statement of Principles, the Council is required to consult the police, persons representing gambling businesses and persons representing the interests of people likely to be affected by gambling.

A list of the consultees can be found in the draft policy on pages 42 & 43. We also advertised the consultation on our website and sent a hard copy to some of the larger Town Councils and Libraries.

An 8-week consultation process commenced on 26 September and will conclude on 21 November 2018 to consider the views of those affected and the public of South Somerset. Consultees were encouraged to comment on-line wherever possible so that data is electronically captured.

The responses received at the time of writing the report are set-out as anonymised data as below:

Consultee Number	Paragraph Number(s)	Consultee Comment
1	2.55 & 2.56	There are more than 400,000 problem gamblers in Great Britain. we welcome much in the draft principles, such as: The siting of 'Gamcare' and social responsibility stickers, although we wonder at their efficacy. Maybe there should be a prescribed size on the gaming machine labels that say the grabbers are a gaming machine and not a game of skill and also on the slot machines giving the gambling advice. Perhaps the Council could larger sizes, if necessary by increasing the fees
1	2.57	There are more than 400,000 problem gamblers in Great Britain. we welcome much in the draft principles, such as The provision of measures to avoid confusion over how certain machines work, especially for children (although child gambling should not be encouraged).
1	2.9	With regard to: [the] 'likely effects of application on employment and regeneration': - it is unclear whether gaming sites are seen as positive regeneration or not, but we think they would lead to a decline in the regeneration of an area.
1	General	The mass of regulations surrounding the provision and management of gaming sites reveals how potentially harmful these sites can be. The Parish Council would hope that the programme of inspection, as detailed in the draft principles, will be possible under the Council cutbacks being experienced at the moment. We would also hope that employees, trained in helping people with a gambling problem, are actually provided on the gaming floor and that this is not a provision that gets ignored through lack of Council supervision.
2		We have reviewed the revision of statement of gambling licensing policy for South Somerset District Council and can confirm we are happy with the proposed amendments.
3		I have been able to view your draft policy through your web site and can confirm that we have no comments at this time
4		Thank you for your email, we appreciate your interest in our work. While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the Gambling Commission.
4		The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling

		operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.
4	pp48-59	A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
4	p30	Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
4	pp31-32	A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
4	pp16-28 & Mandatory regulations depending on type of premises	Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
4		Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
4		Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
4		Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.
4		We would suggest that the Local Licensing Authority primarily

		consider applications from X Certified operators. X is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the X Protection Code of Practice.
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Should the Licensing Committee formally approve the Policy it will be submitted to full Council in December 2018 with the view to adoption, whereupon the Statement of Principles will be advertised and duly published in line with Regulations.

Suggested Amendments to draft Statement of Policy

New Paragraph Number	Suggested Amendments	Replace with
2.31	Change current paragraph from: (f) Access for customers between licensed areas can be by way of an artificially formed unlicensed area, e.g. a lobby	(f) Where access for customers between licensed areas is by way of an artificially formed unlicensed area, the authority will consider whether this is appropriate and compliant with the Mandatory and Default Regulations
2.36	FEC in red	UFEC
2.52	Clarify that variations to permits only apply to alcohol-licensed premises	
2.58	Add reference to section 238 of GA05	
2.70	Add link to Gambling Commission website	
2.74	Add link to the Guidance to Licensing Authorities issued by the Gambling Commission	
Appendix A	Change Address of HM Revenue & Customs	Change since contact shortly prior to draft policy

Financial Implications

There are no additional financial implications of the proposals contained within this report except for the cost of the consultation.

Implications for Corporate Priorities

The issues raised in this report impact upon the following objective as identified with the Council's Corporate Plan 2016-2021:

- Focus Economy – To promote a strong and growing economy with thriving urban and rural businesses by working with businesses and use our assets.
- Focus High quality cost effective services - To Transform customer services through technology and providing access to services to suit our customers' needs.
- Focus Building healthy, self-reliant and active communities - To support communities so that they can identify their need and develop local solutions.

Carbon Emissions and Climate Change Implications

There is minimal environmental impact of these proposals.

Equality and Diversity Implications

The impact of these proposals is assessed as being 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

Other Implications

Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave South Somerset District Council in a position of being unable to undertake its statutory responsibilities and functions under the Act.

Under s17 of the Crime and Disorder Act 1998 the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.

Background Papers: *Gambling Act 2005*
Gambling Commission Guidance to Licensing Authorities 5th
Edition Published September 2015
