

<b>Subject:</b>	<b>Draft Gambling Policy 2019-2021</b>		
<b>Date of Meeting:</b>	<b>28 June 2018</b>		
<b>Report of:</b>	<b>Executive Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jim Whitelegg</b>	<b>Tel: 29-2438</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

## **FOR GENERAL RELEASE**

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Gambling Act 2005 requires Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they propose to apply when exercising their functions, and they must publish the statement following the procedure set out in the Act, including whom they should consult.

### **2. RECOMMENDATIONS:**

- 2.1 That committee instruct officers to carry out a consultation on the draft policy (attached at appendix 1).

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Brighton & Hove's gambling policies and practices has been highlighted by the Gambling Commission as an examples of good practice, in particular the work and links developed with Public Health to tackle gambling related harm.
- 3.2 As a result of the comprehensive review in 2016, where Licensing officers, in conjunction with colleagues from the Public Health analyst team re-wrote the Gambling Statement of Principles, it is not proposed that this statutory review will incorporate any major changes.
- 3.3 The following changes around increasing awareness of mental health issues and concerns about the use of privacy booths have been identified:
- Operators should make information publicly available via leaflets, etc about organisations that can provide advice and support, both in relation to gambling itself, to debt and mental wellbeing, e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureaux, Samaritans and independent advice agencies (para.12.7 of report).
  - Mental health is of particular concern locally. When compared with our benchmark partners Brighton and Hove has the highest percentage of

patients with long term mental health problems, and also the highest percentage of patients with depression and anxiety (para.13.13).

- Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times. The Licensing Authority has concerns that the use of gaming machines in privacy booths may prevent adequate supervision and protection of vulnerable persons and problem gamblers. The Licensing Authority seeks to discourage the use of privacy screens (para.21.6).

3.4 Officers propose carrying out a full consultation which will last for 2 months. Following analysis of that consultation, officers will report back to committee with a proposed Gambling Policy which, if approved, will progress to Full Council for approval.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 None.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 Consultation will last 2 months. The existing statement of gambling policy will be sent to consultees and is available on the council's website.

5.2 Before publishing the Statement, the local authority is required to publish a notice of its intention to publish a statement. This must be done no less than two weeks before the statement is published. The notice must

- a) Specify the date on which the statement is to be published
- b) Specify the date on which the statement will come into effect
- c) Specify the internet address where the statement will be published and the address of the premises at which it may be inspected and
- d) Be published on the authority's website and in or on one or more of the following places
  - A local newspaper circulating in the area covered by the statement
  - A local newsletter, circular or similar document circulating in the area covered by the statement
  - A public notice board on or near the principal office of the authority's public notice board on the premises of public libraries in the area covered by the statement.

The statement must be published at least one month before it takes effect.

4.4 Timetable:

- Licensing Committee 28 June 2018
- Consultation 2 months (August – September)
- Licensing Committee November 2018
- Full Council December 2018
- Advertise and publish during January 2019
- January 2019 Revised Statement comes into effect

## 6. CONCLUSION

6.1 The Licensing Authority has a duty to prepare and publish a Gambling Policy.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

7.1 There are no financial implications arising from the production of this statement, as licensing fees are set at a level that will be cost neutral to the licensing authority.

*Finance Officer Consulted: Michael Bentley*

*Date: 23/05/18*

### Legal Implications:

7.2 Local authority responsibilities include: upholding licensing objectives, publishing a three year licensing policy, determining applications for premises licences and regulating members clubs – club gaming and machine permits. The Licensing Committee established under section 6 of the Licensing Act 2004 has authority to exercise functions under the Gambling Act 2005 with the exception of: a resolution not to issue casino licences, the three year licensing policy (full council) and setting fees.

*Lawyer Consulted: Rebecca Sidell*

*Date: 25/05/18*

### Equalities Implications:

7.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling is one of the licensing objectives. The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. "Vulnerable persons" will not be defined but for regulatory purposes the assumption is that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Operators should encourage where appropriate, strategies for self help and provide information on organisations where advice and help can be sought.

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

### Sustainability Implications:

7.4 None.

### Any Other Significant Implications:

7.5 Gambling licensing objectives are:

- (a) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime
- (b) Ensuring gambling is conducted in a fair and open way
- (c) Protection children and other vulnerable persons from being harmed or exploited by gambling

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

- 1. Draft Gambling Statement

### **Documents in Members' Rooms**

- 1. None.

### **Background Documents**

- 1. None.