

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 19
Brighton & Hove City Council

Subject:	Gambling Act 2005 – Review of Gambling Policy 2019-21		
Date of Meeting:	29 November 2018		
Report of:	Director of Neighbourhoods, Communities and Housing		
Contact Officer:	Name:	Jim Whitelegg, Regulatory Services (Licensing & Trading Stds) Manager	Tel: 29-2438
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY 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 members approve the final version of the Statement of Gambling Policy (see Appendix 1)
- 2.2 That the final Statement of Gambling Policy is presented to Full Council.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 28 June 2018, Licensing Committee received a report and asked officers to initiate consultation regarding a review of the council's revised Gambling Policy.
- 3.2 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.

- 3.3 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.

4. CONSULTATION

- 4.1 Consultation commenced on 23rd July 2018 and lasted 2 months, closing on the 17th September 2018.

- 4.2 Prior to consultation 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).

The revised statement of gambling policy was sent to statutory consultees and was available on the council's website and consultation portal. In addition, Licensing Strategy Group, the city LATs (Local Action Teams), BID, B&H Economic Partnership and Brilliant Brighton were consulted.

- 4.3 A total of 2 responses were received, 1 from local residents and 1 from Gambling Commission:

Consultation responses via letter, email and consultation portal

From:	Response:	Whether accommodated or reasons not:
Local Resident	As much information should be available also to ensure people don't start borrowing money that's difficult to pay back. Leaflets should be refreshed on a regular basis as there's no point in putting them in once then letting them run out.	Support for current policy
Gambling Commission	Whilst there is no statutory requirement for licensees to share their risk assessments with responsible authorities or interested parties, ordinary code 10.1.2 states that licensees should share their risk assessment with licensing authorities on request as best practice. We therefore consider it appropriate for operators to hold premises risks assessments on premises. Doing so can also save considerable time and expense, as well as increasing the confidence of those agencies as to the operator's awareness of their obligations.	Paragraph added to policy (ref. para 13.18)

4.4 Before the revised "Statement of Gambling Policy", comes into effect the local authority is required to publish the Statement of policy on the Council's website, and make it available for inspection at one or more public libraries for a period of at least 4 weeks before the date on which it will come into effect. The authority must also publish a notice of its intention to publish a statement no later than the first day on which 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.

4.5 The timetable is as follows:

- Licensing Committee 29 November 2018
- Full Council **XX** December 2018

- Advertised and published during December 2018
- January 2019 Revised Statement comes into effect

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

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: 12/10/18

5.2 Legal Implications:

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 2003 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:

5.3 Equalities Implications:

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.

5.4 Sustainability Implications:

None.

5.5 Crime & Disorder Implications:

Gambling Commission inspectors have the main enforcement/compliance role. The police and licensing authority officers have powers of entry and inspection.

5.6 Risk and Opportunity Management Implications:

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.

5.7 Corporate/Citywide Implications:

Licensing authorities licence all gambling premises in the city: casinos, bingo, betting, tracks, adult gaming centres, family entertainment centres as well as administering notices and granting gaming permits.

SUPPORTING DOCUMENTATION

Appendix A Proposed statement of Gambling policy

Documents in Members' Rooms

None

Background Documents

None

Documents In Members' Rooms:

None

Background Documents:

None