

BIRMINGHAM CITY COUNCIL

REPORT OF THE INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE

19 JANUARY 2022
ALL WARDS

STATEMENT OF GAMBLING PRINCIPLES POST-CONSULTATION REPORT

1. Summary

- 1.1 The City Council as the Licensing Authority is required to determine and publish its Statement of Gambling Principles at least every three years, and keep it under review and make such revisions to it at such times, as it considers appropriate.
- 1.2 This is a requirement of the Gambling Act 2005 ('The Act').
- 1.3 The purpose of this report is both to inform the Licensing and Public Protection Committee of the outcome of the public consultation and to seek approval for the revised policy document at Appendix 2.
- 1.4 In order to take effect in March 2022 the amended policy and scheme of delegation must be approved by City Council at its meeting on 1st February 2022.

2. Recommendation

- 2.1 That the Committee endorses the Post Consultation Draft Statement of Gambling Principles and recommends the draft document at Appendix 2 to full City Council.

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3. Background

- 3.1 The Gambling Act 2005 requires the City Council as the Licensing Authority to determine and publish its Statement of Gambling Principles at least every three years, to keep it under review and make such revisions to it, as it considers appropriate. The current Statement of Gambling Principles has been in effect since February 2019 and must, therefore, be reviewed, determined and published before January 2022.
- 3.2 Officers are working on a local area profile for the City however; it would not have been possible to complete this work in time to meet the Committee process deadlines. The Local Area Profile will be produced as detailed in Part C 1(xi) of the Statement of Principles.
- 3.3 A draft Policy was circulated to stakeholders, including (but not limited to) the list of statutory Consultees, being:
- The Chief Officer of Police.
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
 - 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 Gambling Act 2005.
- 3.4 The public consultation was for four weeks, from 19th November - 17th December with two submissions received. These submissions are attached at Appendix 1.
- 3.5 As there were very few and only minor amendments to the current Policy it was suggested, by the Gambling Commission, that a shorter than normal consultation period would be sufficient.

4. Matters for Consideration

- 4.1 Amendments to the Policy have been proposed, in particular introducing the need for local risk assessments to be completed; a local area profile for the City to be produced and the introduction of the Betwatch scheme as well as updating contact details for Responsible Authorities. Alterations to the document are highlighted within the text.
- 4.2 **Local Risk Assessment** - Since 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.
- 4.3 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

- 4.4 **Local Area Profile** - Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council will publish a local area profile in due course. This is expected to be in the first quarter of 2022.
- 4.5 It must also be noted that we cannot control the number of gambling premises in an area simply because we believe there are too many but should rather refer to the licensing objectives. The Local Risk Assessment combined with the Local Area Profile will assist this.
5. Consultation
- 5.1 Consultation was carried out by a variety of means, including through direct mail, the Birmingham City Council website, Be Heard, and email.
- 5.2 In total two responses were received, one via direct email and one via the BeHeard consultation hub.
- 5.3 Detailed responses to the consultation and the action we have taken as a result of that consultation are attached at appendix 1.
6. Implications for Resources
- 6.1 The cost of devising and maintaining a Statement of Gambling Principles is included within the existing Licence fee structure.
7. Implications for Policy Priorities
- 7.1 The contents of this report contribute to the priority action of ensuring business compliance with legislation to protect the economic interests of consumers and businesses as contained in the Council Business Plan 2015+.
8. Public Sector Equality Duty
- 8.1 The Government carried out an equality impact assessment of the legislation which found that no unintended or disproportionate impact is likely. It is not anticipated any amendments to be made as a result of this review would require an Equality Impact Assessment.
- 8.2 Section 349 of the Gambling Act 2005 requires the Licensing Authority to publish a Statement of Gambling Principles. The Act also specifies those who must be consulted on the Policy and subsequent Policy reviews. These are listed at 3.3 above.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

APPENDIX 1 – Consultation responses and what we have done

Respondent	Response	Our response
HM Revenue and Customs	<p>As one of the responsible authorities quoted in your appendices can I ask you to amend our postal contact address to:-</p> <p>HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom</p> <p>Our contact telephone number is now 0300 322 7072 Option 7.</p> <p>Our email address remain the same, NRUBetting&Gaming@hmrc.gsi.gov.uk</p>	The contact address has been amended
Clockfair Ltd T/A Broadway Casino	I think there should be more direct engagement with Casino operators so the people reviewing the statement of principles understands the concerns that should be considered especially around black market activities.	Officers have reached out to the respondent in order to establish how better to engage with Casino Operators.