

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE SERVICE DIRECTOR REGULATION AND ENFORCEMENT  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**16 SEPTEMBER 2015**  
**ALL WARDS**

**STATEMENT OF GAMBLING PRINCIPLES 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, 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 to advise members of the consultation and invite comment.
- 1.4 In order to take effect in January 2016 the amended policy and scheme of delegation must be approved by City Council at its meeting on 1<sup>st</sup> December 2015.

2. Recommendation

- 2.1 That Committee consider the draft Statement of Gambling Principles attached at Appendix 1 to this report and suggests such amendments as the Committee considers necessary.

Contact Officer: Emma Rohomon, Licensing Manager  
Telephone: 0121 303 9780  
Email: emma.rohomon@birmingham.gov.uk

### 3. Background

- 3.1 Local authorities are required to determine and publish a Statement of Gambling Principles every three years. Most authorities work to the same timetable which will require them to publish their statements by 3<sup>rd</sup> January 2016 with a view to them taking effect on 31<sup>st</sup> January 2016. Our current Statement of Gambling Principles has been in effect since January 2013 and is due for review in accordance with the timetable outlined above.
- 3.2 Through the spring and summer of 2015 The Gambling Commission has been amending and updating its advice to local authorities on how to prepare Statements of Gambling Principles. It has changed its Licence Conditions and Codes of Practice (LCCP) for operators which will need to be reflected in our own Statement of Gambling Principles in due course. The changes will enable us to create a document that is far more reflective of local circumstances and issues than is the case now.
- 3.3 Under the new provisions we will be able to create a Local Area Profile to map the risks in Birmingham of gambling-related harm according to a range of criteria. These may include:
- Mental health prevalence
  - Significant ethnic groups
  - Significant life stage groups(e.g. children or emerging adults)
  - Financial and debt problems
  - Housing instability
  - Alcohol consumption
  - Employment and income
- 3.4 The London Borough of Westminster and Manchester city Council have jointly commissioned research that will be available to all local authorities to help them to produce the detailed Local Area Profiles of their communities and local needs.
- 3.5 Operators applying for licences will be required to produce a risk assessment that is specific to each authority's Local Area Profile and Statement of Gambling Principles. The risk assessment will need to address how the operator will mitigate the risks outlined in the Statement and Local Area Profile. Operators will be required to demonstrate in their applications how they will prevent underage gambling and their attitude to social responsibility.
- 3.6 Due to the extensive research that will be required to produce and consult on a Local area Profile it would not be possible to produce a meaningful document in time to meet the January deadline for our Statement of Gambling Principles. Officers have, therefore, carried out a light touch review of our existing Statement for approval this year (in order to ensure that we are legally compliant) with a view to a far more in depth review and new Statement being produced during 2016.

- 3.7 The draft policy attached has been reviewed for accuracy but does not contain any fundamental changes. Members of your Committee are invited to consider the attached Policy and comment on it (see Appendix 1).
- 3.8 Suggestions or proposals put forward by the Committee will, where appropriate, be included within the revised Statement, although in some cases it may be more appropriate to defer proposed amendments until the more detailed review is carried out next year. Members may make comments either as a Committee or in their own right as local councillors.
- 3.9 Consultation will take place with other 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.
- 3.10 The public consultation began on 1<sup>st</sup> September 2015 and will run for 8 weeks until 23<sup>rd</sup> October 2015, after which a further report containing the results will be presented to your Committee for consideration.

#### 4. Matters for Consideration

- 4.1 Some minor amendments to the Policy have been proposed, including updating contact details for Responsible Authorities.
- 4.2 Alterations to the document are highlighted within the text

#### 5. Consultation

- 5.1 This review of the Policy will be used as an opportunity to consult with members of your Committee, residents, business and other interested parties. A final revised version will be brought before your Committee in November 2015 that takes account of the results of the consultation, as far as is practicable.
- 5.2 Consultation will be carried out by a variety of means, including through direct mail, the Birmingham City Council website, Be Heard, Social media, and email.

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.
- 6.2 Should this consultation generate suggestions of a significant nature the Committee may be minded to incorporate them into the in depth review of the Policy next year. Further consultation would then be necessary.

7. Implications for Policy Priorities

- 7.1 The issues addressed in this report relate to the City Council priorities associated with creating a cleaner, greener and safer city and providing excellent services, as well as laying the foundations for a prosperous city, built on an inclusive economy; Involving local people and communities in the future of their local area and their public services – a city with local services for local people.

8. Public Sector Equality Duty

- 8.1 The benefit of an agreed Policy is to ensure a consistent approach.
- 8.2 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.
- 8.3 Section 349 of the Gambling Act 2005 requires the Licensing Authority to publish a Statement of Gambling Principles. The Act specifies also those who must be consulted on the Policy and subsequent Policy reviews. These are listed at 3.5 above.

**SERVICE DIRECTOR REGULATION AND ENFORCEMENT**

Background Papers: Nil