

BIRMINGHAM CITY COUNCIL

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

18 NOVEMBER 2015
ALL WARDS

STATEMENT OF GAMBLING PRINCIPLES PRE-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 January 2016 the amended policy and scheme of delegation must be approved by City Council at its meeting on 1st December 2015.

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.
- 2.2 That, where not addressed in this revised Policy document, the matters arising from the consultation responses at Appendix 1(c)-(f) be considered as part of the wider review of Gambling Principles as detailed in paragraphs 3.2 and 3.8 to this report.

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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 January 2013 and must, therefore, be reviewed, determined and published before January 2016.
- 3.2 Officers are working on a further revised version which incorporates wider changes to the policy, but in order to carry out a thorough review, taking into account further guidance from the Gambling Commission, it would not have been possible to complete this work in time to meet the Committee process deadlines.
- 3.3 An interim 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 five weeks, from 18th September- 23rd October with five submissions received. These submissions are attached at Appendix 1(a)-(e).
- 3.5 Whilst a longer consultation period would have been preferable, the time constraints imposed by the requirement to bring the results back to November Committee, and December City Council preclude any extension of this deadline.
- 3.6 As no fundamental changes are proposed within this draft, a shorter consultation was considered to be acceptable. The full revision brought to Members in 2016 will have a longer consultation period, taking into account the complexities of the revisions to be proposed.

4. Matters for Consideration

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

- 4.2 Response from Chair of Birmingham Safeguarding Children Board (BSCB) (Appendix 1(a))
- 4.2.1 In keeping with the request to be removed as a nominated Responsible Authority under the Licensing Act 2003, the BSCB Chair has also requested that they be removed as a nominated Responsible Authority for the purposes of Gambling.
- 4.2.2 Safeguarding Boards are not specifically named within the legislation, which simply states:
- ‘...a body which is designated in writing for the purposes of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm,’ [GA05 s157(h)]*
- 4.2.3 If the Committee is minded to make the requested amendment, an alternative body must be identified.
- 4.3 Response from Planning Authority (Appendix 1(b))
This response was simply to ask that the contact email address be amended.
- 4.4 Response from Novomatic UK for Luxury Leisure (Appendix 1(c))
- 4.4.1 Reference to the Regulator’s Code has been included in the report.
- 4.4.2 Other matters which are detailed within the response will be considered as part of the wider review of the Statement of Principles as detailed in 3.8 above.
- 4.5 Response from Gosschalks for the Association of British Bookmakers (Appendix 1(d))
- 4.5.1 Comments concerning circumstances when additional conditions would be imposed have been incorporated into the revised policy.
- 4.5.2 Other matters which are detailed within the response will be considered as part of the wider review of the Statement of Principles as detailed in 3.8 above.
- 4.6 Submission from the Campaign for Fairer Gambling (Appendix 1(e))
The matters raised in this submission will be considered as part of the wider review of the Statement of Principles as detailed in 3.8 above.
5. Consultation
- 5.1 Consultation was 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.

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 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 specifies also those who must be consulted on the Policy and subsequent Policy reviews. These are listed at 3.3 above.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil