

BIRMINGHAM CITY COUNCIL

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

19 DECEMBER 2018
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 February 2019 the amended policy and scheme of delegation must be approved by City Council at its meeting on 15th January 2019.

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.

Contact Officer: Shawn Woodcock, Licensing Operations Manager
Telephone: 0121 303 9922
E-mail: shawn.woodcock@birmingham.gov.uk

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 May 2016 and must, therefore, be reviewed, determined and published before January 2019.
- 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 five weeks, from 16th October- 25th November with seven submissions received. These submissions are attached at Appendix 1(a)-(g).
- 3.5 Whilst a longer consultation period would have been preferable, the time constraints imposed by the requirement to bring the results back to December Committee, and January City Council preclude any extension of this deadline.
- 3.6 As no unexpected changes are proposed within this draft, a shorter consultation was considered to be acceptable.

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.

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 seven responses were received, four via direct email and 3 via the BeHeard consultation hub.
- 5.2 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 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