

AGENDA ITEM

REPORT TO HEALTH AND WELLBEING BOARD

30 September 2015

REPORT OF: Head Of Democratic Services, Trading Standards & Licensing

REVIEW OF THE STATEMENT OF PRINCIPLES FOR GAMBLING PREMISES IN STOCKTON

SUMMARY

The purpose of the report is to provide the Health and Well Being Board with an overview of the proposed changes to the Council's Gambling Policy.

The Authority is required by the Gambling Act 2005 to publish a statement of the principles that it proposes to apply when exercising its functions under the Act, in the form of a Gambling Policy. This policy statement must be published every three years. The Council's current policy statement took effect on 3rd January 2013 and is now due for review. Consultation on the current proposals commenced in July 2015.

RECOMMENDATIONS

It is recommended that Health and Wellbeing Board:

1. Note the contents of this report
2. Make any comments on the draft revised Policy which they would like feeding into the consultation process

MAIN REPORT

1. A new regulatory regime for gambling activities and businesses was introduced by the Gambling Act in 2005. The dual system shares the enforcement responsibilities between the Gambling Commission and Local Authorities. The Commission is responsible for issuing operator licences for businesses and individuals who provide traditional gambling activities such as arcades, betting shops and casinos as well as operators who provide remote gambling services.
2. Local Authority's responsibilities include issuing premises licences to operators for betting shops, bingo premises and casinos premises; issuing permits for low stake gambling in venues such as pubs and registering societies to hold small lotteries.
3. The Gambling Act also requires that before each successive period of 3 years, the Licensing Authority must prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act.

4. The Act requires that the Authority carries out its various licensing functions with a view to promoting the following three licensing objectives:
 - Preventing gambling from being a source of crime and disorder; being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is carried out in a fair and open way;
 - Protecting children and vulnerable person from being harmed or exploited by gambling.
5. Although Health and wellbeing is not a licensing objective under the gambling Act, the Royal Society for Public Health recently reviewed evidence of the impact of high street premises on health along with views from the public and health experts. Bookmakers were highlighted in their Health on the High Street Report as being amongst the least health promoting premises in our High Streets.

Gambling Commission Licence Conditions and Codes of Practice

6. Since the last Policy Statement was issued the Gambling Commission has published revised Licence Conditions and Codes of Practice (LCCP) with many changes coming into force in May 2015. The main changes in this document relate to the social responsibilities and obligations of operators, which falls under the remit of the Commission and not Local Authority Licensing.
7. In summary the changes include:
 - a requirement for casinos and larger operators to conduct test purchasing, as a means of monitoring the effectiveness of their policies and procedures designed to prevent underage gambling
 - measures related to helping staff identify and assist problem gamblers
 - implementation of multi-operator self-exclusion schemes
 - a new Social Responsibility code provision which requires that 'free bet' offers are marketed in a fair and open way and do not mislead
 - additional remote technical standards for gambling management tools.

The changes also include minor amendments and codify areas of good practice which will improve social responsibility standards across gambling businesses including:

- improved training, policies, procedures and control measures to ensure access to gambling by children and young people is prevented
- widening the methods for providing information to players
- improved awareness of local risks to the licensing objectives for premises-based operators
- clarification of the requirement to provide financial support to research, education and treatment

- amendments to measures affecting sectors such as pool betting and social lotteries.
8. The revised policy makes it clear that applicants must be aware and comply with these new social responsibility provisions and that the Authority will refer any examples of non-compliance to the Gambling Commission for appropriate action.

Gambling Commission Guidance to Licensing Authorities

9. Since the last policy statement was issued the Commission has also produced updated guidance, this is currently under consultation. The main changes to the guidance are around the provisions for licensing authorities to include a local area profile based upon various data sources and also a new requirement that operators with premise licences produce a local risk assessment that is specific to a particular location within the Borough.

Current Premises Licences

10. Since 1st January 2013 a total of 3 premises applications (all for betting premises) have been received and granted. A further 23 registrations for small lotteries have been received and 36 applications for gaming machine permissions in pubs and clubs have been issued.

We have the following active licences or registrations:

Type of licence or permit	Active licences or permits at 1/1/5
Casino	1
Bingo	3
Betting shops	38
Adult Gaming Centre	8
Family Entertainment Centre	0
Small Lottery	21
2 or less gaming machines (automatic entitlement for pubs)	86
3 or more gaming machines permit (for pubs)	21
3 or less gaming machines permit (for clubs)	22

11. All of these permits and licences (except the automatic entitlement for 2 or less gaming machines in pubs) are renewed annually.

Crime Statistics From Community Safety

12. Since 2012 there have been 55 recorded offences linked to betting establishments or gaming arcades, where a location has been specified in the crime report. There were 19 reports in 2012; 22 reports in 2013 and 14 reports in 2014.
13. Of these offences, 9 were burglaries or attempted burglaries to the properties; 15 were criminal damage offences (windows and doors damaged); 5 were violent crimes (all 5 related to customer fights) and the remainder

were theft offences (including theft of purse and wallets and bikes stolen from outside the premises).

14. There does not appear to be any issues with staff being assaulted within these locations. The locations of the premises are mainly within the Stockton town centre ward (35 of the 59 crimes) linked to Mecca Bingo, or bookmakers on the High Street but there have also been offences at bookmakers around the Borough.

15. There is nothing to suggest that ASB is of concern at these premises or outside of them due to a gambling establishment being located there.

Main Policy Changes

16. The main changes which impact on health and wellbeing the most are those relating to local risk assessments (paragraph 14 of the policy refers) and the new social responsibility obligations for operators (paragraph 14 of the policy refers). A full summary of the changes are given below and a copy of the proposed revised policy is attached at Appendix 1.

Paragraph	Summary of Changes
-	Addition of an introduction from Chair of the Licensing Committee
3	Additional information has been added about the profile of the Borough including a population profile; details of ethnic composition and affluence levels.
4	Data from the Health on the High Street Report and the Gambling Prevalence Survey added
6	Details of the Gambling licensing framework added
8	Reference to the Tees Local safeguarding Children's Boards Procedures Website added
12	Details of the national Primary Authority Scheme added. This scheme allows businesses to form a statutory partnership with one local authority, which then provides reliable advice that other regulators must take account of when carrying out inspections or dealing with non-compliances.
12	Link to the Corporate Enforcement Policy
14	Details of the new requirement that licences must submit a local risk assessment setting out the risks associated with the provisions of gambling activities at the premises and the policies and procedures in place to mitigate these risks.
14	Details of the suggested minimum criteria for CCTV when installed in premises
14	Details of the new requirements for operators for their social responsibility obligations including combatting problem gambling, ensuring children do not have access to gambling premises and participating with self-exclusion schemes
18	Detail added about how premise must restrict access for children to category C or higher machines in bingo premises
27/28	Statement of principles added for prize gaming permits and outline of responsibilities of club operators obligations to protect children and vulnerable persons from harm
31	New section on Small Society Lottery Registrations
Appendix	New appendix setting out maximum stakes and prizes for gaming

C	machines
Appendix D & E	Updated contact/website details

FINANCIAL AND LEGAL IMPLICATIONS

The cost of licensing gambling premises and issuing gaming permits and lottery registrations will be met from the fees paid by applicants. The fee structure, in terms of the application/renewal fees to be charged, has been determined with a view to full cost recovery.

The adoption of the policy will assist members and officers when considering applications and businesses intending to submit applications. It will give a clear outline of the Authority will consider when assessing applications.

RISK ASSESSMENT

Existing management systems and daily routine activities are sufficient to control and reduce risk.

COMMUNITY STRATEGY IMPLICATIONS

Community Safety - one of the licensing objectives in the Act is to prevent gambling from being a source or being associated with crime and disorder. The policy will seek to support this objective.

CONSULTATION

Formal consultation commenced in July 2015 when the proposals were advertised in the local press. Some Trade bodies, members, businesses and other interested parties were also contacted directly, by email, about the proposals. The draft policy can be accessed from the Council's website at <https://www.stockton.gov.uk/community-safety/trading-standards-and-licensing/>

The contact officer for comments is:
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Formal consultation will close on the 16 October 2016.

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