



Author/Lead Officer of Report: *Stephen Lonnia, Head of Service / Chief Licensing Officer for the Licensing Service*

Tel: 0114 2734264

Report of: *Executive Director of Place*

Report to: *Cabinet*

Date of Decision: *21st November 2018*

Subject: *Gambling Act 2005 – Statement of Principles (Policy)*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? <i>Transport and Development</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>N/A</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>327</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i>		

Purpose of Report:

The report sets out the details of the revised Statement of Principles (Policy) to be published under the Gambling Act 2005 and details of the consultation process that has been undertaken.

The report seeks approval on the final version of the Statement of Principles (policy) and for it to be referred to Full Council.

Recommendations:

That Cabinet approve the Statement of Principles (Policy) for referral to Full Council on the 5th December 2018.

Background Papers:

v1.4_ Gambling Act - Statement of Principles (Policy) - LC Approved 06.11.18

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Alison Chambers</i>
		Legal: <i>David Hollis</i>
		Equalities: <i>Annemarie Johnston</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	EMT member who approved submission:	<i>Laraine Manley</i>
3	Cabinet Member consulted:	<i>Cllr Jack Scott</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Stephen Lonnia</i>	Job Title: <i>Head of Service / Chief Licensing Officer for the Licensing Service</i>
	Date: <i>29th October 2018</i>	

1. PROPOSAL

1.1 The report sets out the details of the revised Statement of Principles (Policy) to be published under the Gambling Act 2005 and details of the consultation process that has been undertaken.

1.2 The report seeks approval on the final version of the Statement of Principles (policy) and for it to be referred to Full Council.

1.3 The Licensing Authority of Sheffield City Council has a legal duty to publish a statement of principles (policy) under the Gambling Act 2005 every three years. Section 349 (1) of the 2005 Act states:

“A licensing authority shall before each successive period of three years-
(a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
(b) publish the statement.”

1.4 Sheffield City Council's first Statement of Principles (policy) was published on 2nd January 2007 and has then been revised every three years. The Licensing Authority has updated the policy as required under section 349 (1) of the 2005 Act and has followed the same process as it did when consulting with previous policies.

1.5 The document has been produced in accordance with the [Gambling Act 2005](#); the [guidance](#) issued by the Gambling Commission and the [Gambling Act 2005 \(Licensing Authority Policy Statement\) \(England and Wales\) Regulations 2006](#).

1.6 The policy deals with all forms of gambling that are governed by the Gambling Act 2005 these include:

- Casinos
- Betting Shops
- Adult Gaming Centres
- Family Entertainment Centres
- Gaming Machines in Licensed Premises
- Temporary Use Notices
- Occasional Use Notices
- Bingo Halls
- Tracks
- Lotteries
- Club Gaming Machines

1.7 The policy document deals with all types of applications including the grant (new), variation (change in the existing licence) and transfer of licences as well as the review of a licence.

1.8 The policy will guide the Licensing Committee when considering applications under the Gambling Act 2005 and aims to provide guidance to applicants, objectors. Responsible Authorities and all Interested Parties on the approach to gambling in the City and the requirements at a local level.

- 1.9 The Statement of Principles (Policy) sets the basis of decision-making under the Gambling Act 2005. It is the starting point for decisions but allows the discretion of the Council and for every application to be dealt with individually on its merits and may allow for departure where an applicant can satisfy the Council that the purpose of the Policy will not be undermined. .
- 1.10 Whilst the document assists the Licensing Authority in carrying out its functions in a socially responsible manner, the Statement of Principles (Policy) also states how it will secure the proper integration with local crime prevention, child protection, planning and any other plans introduced for the management of the city as a whole or each individual area.
- 1.11 There is a firm commitment within the document to avoid duplication with other regulatory regimes such as Planning, Health & Safety and Fire Safety Legislation.

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 It is intended that the Statement of Principles (Policy) will assist the Licensing Authority in carrying out its powers (administering and enforcing the Act) in a socially responsible manner, whilst promoting the three core objectives, which are:
- 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 conducted in a fair and open way; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2 The Statement of Principles (policy) will assist the Council in achieving the priorities outlined in its Corporate Plan and focuses on helping people who live, work, learn and visit our city to enjoy what Sheffield has to offer as detailed below:
- 2.2.1 **An in touch organisation**
The Licensing Authority will listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield by ensuring we are:
- Intelligent – making full use of information to inform decision making and drive service improvement
 - Efficient – continually strive to provide value for money improving quality and outcomes
- 2.2.2 As a Licensing Authority, we will contribute to help achieve our economic potential, be well connected, with skilled individuals and assist businesses by ensuring we have:
- Vibrant City – help get the right mix of business leisure and retail

- Distinctive cultural and sporting assets – assist in delivering and maintaining these venues
- Support and develop the licensed business sector and build relationships with businesses to encourage jobs and growth in the city

2.2.3 **Thriving Neighbourhoods and Communities**

As a Licensing Authority, we will assist people to have a good quality of life and feel proud and safe of where they live by:

- Assisting in improving community safety by reducing antisocial behaviour.
- Recognises the needs of residents within the city for a safe and healthy environment, in which people want to live, learn, work, invest and visit and ensuring the policy recognises this.
- Ensuring licensees understand the importance of safe well run premises.
- Help local businesses provide well run and appropriate licensed activity.

2.2.4 **Better Health and Wellbeing**

The Licensing Authority will promote good health, and assist in preventing and tackling ill health:

- Provide information and education around the impact of alcohol and gambling.
- Whilst promoting inclusive, vibrant, thriving neighbourhoods and communities and supporting businesses the Licensing Authority will work closely with external partners to support the improvement of better health and wellbeing.
- The document recognises the need to protect children and the vulnerable from gambling addiction and gambling related harm etc. In this respect the Licensing Authority is working closely with the Safeguarding Children Service and other relevant Authorities in doing so.

2.2.5 **Tackling inequalities**

Help invest in the most deprived communities and support individuals to help themselves

- By providing early help, listening and being responsive.
- Promote equality, diversity and inclusion
- Continue to work with Schools, Colleges and Universities to deliver education around licensing

2.3 The revision of the document means that we can improve the content and design in a way that assists us in achieving our aspiration to be ‘the best we can be – as individuals and communities, as a council and as a city’.

2.4 The outcomes we expect from the revised Statement of Principles are:

- Sheffield City Council has an up-to-date and effective gambling

policy.

- To provide applicants with a clear, consistent basis for submitting applications and notices in Sheffield.
- To provide a clear, consistent basis for determining licence applications in Sheffield.
- Ensure the relevant views of those affected by licensed premises are taken into consideration.
- To support wider strategies of the City Council.
- The policy ensures that premises are well managed and that they integrate in to the local community.
- Children are protected from the potential harms of gambling.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 The formal consultation process for the Statement of Principles commenced on the 20th August 2018, and concluded at on the 12th October 2018.

3.2 Section 349 (3) of the 2005 Act states:

“In preparing a statement or revision under this section a licensing authority shall consult –

(a) either-

(i) in England and Wales, the chief officer of police for the authority’s area, or

(ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,

(b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area, and

(c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the authority’s functions under this act.”

3.3 Approximately 3,000 letters and emails (where possible) regarding the consultation have been sent out which include those bodies listed above in paragraph 3.2.

3.4 The letters and emails have included a link to our website and Citizen Space where the draft Statement of Principles (Policy) can be viewed. Consultee’s had the option of contacting the Licensing Service for a hard copy of the Policy if they do not have internet access. Officers also attended public meetings.

3.5 The Licensing Authority has received a total of 10 responses to the public consultation.

3.6 Amendments have been made where appropriate to the draft policy in response to the comments received following legal advice.

- 3.7 A brief on the amendments made to the Statement of Principles is attached at Appendix A of this report and a summary of the responses to consultation will be made available to Cabinet.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 Overall this policy is of universal positive benefit for everyone. It should be of a particular positive benefit to young people, particularly men, members of the BME community and will support community cohesion. It will aims to protect from harm and exploitation, vulnerable people who may not be able to make informed or balanced decisions, due to a learning disability, mental health or substance misuse relating to alcohol or drugs. Areas of high poverty and financial deprivation should benefit from how the policy is applied when agreeing permission for any new betting premises. There are no negative equality impacts identified.

4.2 Financial and Commercial Implications

- 4.2.1 The work on the revision of the Statement of Principles (Policy) is a statutory duty placed upon us as the Licensing Authority and the work is undertaken within the current resources of the Licensing Service and the costs are fully recovered through licence fees under the Gambling Act 2005.
- 4.2.2 Therefore there are no additional financial and commercial implications to the Council.

4.3 Legal Implications

- 4.3.1 The Council is required by section 349 the Gambling Act 2005 to adopt and update a policy every three years. Under The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, setting the policy is a function of both the executive (Cabinet) in formulating or preparing the policy and non-executive (Full Council) in adopting the policy.
- 4.3.2 As stated above the draft policy must be consulted upon and the product of consultation must, as a matter of law, be conscientiously taken into account when finalising the decision to refer the matter to Full Council.
- A policy cannot change the legislative provisions under the Gambling Act 2005 but can set a basis on how those legislative provisions will be implemented. A policy will be the starting point and should be followed unless in an individual case there is good reason not to. In establishing a good reason the burden is on an applicant to show that the purpose behind a policy will not be undermined if it is departed from.
- 4.3.3

In approving the draft policy for consideration by Full Council, Cabinet should have regard to the Public Sector Equality Duty under s 149 of the Equality Act 2010 which has three aims. It requires public bodies to have

4.3.4 due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making; setting the Pol

4.4 Other Implications

4.4.1 Health impacts have been considered as part of this policy and a Health Impact Assessment screening tool has been completed in conjunction with the Equality Impact Assessment. No further implications have been identified.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 No further alternative options considered.

6. REASONS FOR RECOMMENDATIONS

6.1 Our recommendation is that Cabinet approve the Statement of Principles (Policy) for referral to Full Council on the 5th December 2018.

6.2 The reason for this recommendation is to ensure compliance with the Council's statutory obligations and in doing so promote the Council's Corporate Plan and support the Council's vision.

Appendix A

(Amendments made to the Statement of Principles)

Amendments made to the Statement of Principles:

Foreword

Minor changes to wording.

Paragraph 1.2 Scope of Licensing policy

Rewording to the aim of this policy from:

“The aim of this Policy is to promote the following Licensing Objectives:”

to:

“The aim of this document is to outline the principles we will apply when exercising our functions under the Act whilst promoting the following Licensing Objectives:”

Paragraph 1.4 The Sheffield Area

Update in population of Sheffield from 551,800 to 575,400.
Sheffield boundary map updated due to Ward changes.

Paragraph 2.2 Promotion of the Licensing Objectives

Final paragraph to include applicants to include measures listed in Part 9 of the policy to meet the licensing objectives.

Paragraph 2.6 Exchange of information

Update in legislation of the Data Protection Act to the 2018 Act.

Part 3 – Integrating Strategies

1. Update in the Equality Act 2010 and our duty to pay regard to the Act.
2. Inclusion of public health and our fair city strategies.
3. Inclusion of paragraph for applicants to take into account all relevant local and national strategies when making an application.
4. Paragraph 3.1 – update of all priorities of the Corporate Plan
5. Removal of the Sheffield City Strategy 2010-2020 – no longer in force.
6. Paragraph 3.2 – inclusion of the Sheffield City Region – Strategic Economic Plan 2015-2025
7. Paragraph 3.2 to 3.10 – updates in current strategies and plans
8. Paragraph 3.11 – Inclusion of the Director of Public Health Report for Sheffield and the Sheffield Joint Health and Wellbeing Strategy.

Part 4 – Licensing Objectives

1. Paragraph 4.2 – Policy Objective 1 – Paragraph regarding supporting strategies and schemes made clearer.
2. Paragraph 4.6 – Objective 3 – Links to Safeguarding tools updated.

Part 5 – Location, Area Profiling and Risk Assessments

1. Paragraph 5.2 – Policy – Location

- a. Second paragraph to include the 'close proximity' will be determined by the Local Authority on a case by case basis.
- b. Third bullet point in regards to 'sensitive location' to include mental health projects and facilities
- c. Areas nearing stress – first paragraph made clearer on which licensing objectives are being undermined in areas of concentrated licenced premises.
- d. Areas nearing stress – Paige Hall added as new areas of concentrated gambling licensed premises.
- e. Paragraph under list of areas updated to make clear that risk management measures may be converted into licence conditions.
- f. Links updated to assist applicants with local area profiling and their risk assessments.
- g. Final paragraph added to make clear that the Local Authority may undertake their own local area profiling and where it is determined that granting the application may lead to the licensing objectives being undermined, and where relevant conditions cannot be imposed, they may choose to refuse it.

Part 7 – Premises licences and Reviews

1. Paragraph 7.2 Policy – Premises – final paragraph removed due to updates in codes of practices.
2. Paragraph 7.9.1 Policy – FEC – determining suitability, example in first bullet point updated to include other additions other than gambling
3. Paragraph 7.12.4 Policy – Tracks – Update in final paragraph to show examples given in this policy section is what Sheffield City Council would expect as measures and recognise as responsible practice.
4. Paragraph 7.15 – Betting Machines on Track – update in circumstances considered to include:
 - a. Minimum staffing levels proposed through risk assessments
 - b. How to restrict access to under 18's including adequate signage
5. Paragraph 7.16.1 policy – Reviews – Applications by Responsible Authorities updated to detail: Where risk is identified and has not been managed to the satisfaction of the Responsible Authorities; an application will be submitted to review the licence.

Part 8 – Permits, Notices and Lotter Registrations

1. Paragraph 8.3.3 policy LPGMP – Links for safeguarding tools updated.

Part 9 – Ongoing Responsibilities of Licensed Premises

1. Paragraph 9.1 – Self-exclusion scheme – Second paragraph updated to show that referral to advocacy services would be recognised as good practice.

Part 11 – Enforcement

1. Paragraph 11.2 Test Purchasing – Third paragraph amended to include that results from an operator test purchasing exercises will be shared with the Licensing Authority 'on request'.

Part 13 – Useful Information and Contact Details

Updates to contact details of Responsible Authorities.

Contact details now include Public health and Local support services.

Appendix 1 – Glossary of Terms

Updated of glossary to include what 'Fixed Odd Betting Terminals' are referred to as in the policy (B2 machines).

Appendix 2 – List of Consultees

Updates in religious contacts.

Inclusion of Sheffield Problem Gambling Stakeholder Group.

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