



## SHEFFIELD CITY COUNCIL

### Cabinet Report

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**Report of:** Executive Director, Place

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**Report to:** Cabinet

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**Date:** 11<sup>th</sup> November 2015

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

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**Author of Report:** Shimla Finch

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**Key Decision:** YES

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**Reason Key Decision:** Affects 2 or more wards

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**Summary:**

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.

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**Reasons for Recommendations:**

To comply with the Council's statutory obligations and in doing so promote the Council's Corporate Plan and support the Council's vision.

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**Recommendations:**

That Cabinet approve the Statement of Principles (Policy) for referral to Full Council on 2<sup>nd</sup> December 2015.

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**Background Papers:**

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**Category of Report:** OPEN

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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
NO Cleared by: Anna Sanderson
<b>Legal Implications</b>
YES Cleared by: Marie-Claire Frankie
<b>Equality of Opportunity Implications</b>
NO Cleared by: Annemarie Johnston
<b>Tackling Health Inequalities Implications</b>
NO Cleared by: N/A
<b>Human Rights Implications</b>
NO Cleared by: N/A
<b>Environmental and Sustainability implications</b>
NO Cleared by: N/A
<b>Economic Impact</b>
NO Cleared by: N/A
<b>Community Safety Implications</b>
NO Cleared by: N/A
<b>Human Resources Implications</b>
NO Cleared by: N/A
<b>Property Implications</b>
NO Cleared by: N/A
<b>Area(s) Affected</b>
Whole of the City
<b>Relevant Cabinet Portfolio Lead</b>
Councillor Leigh Bramall
<b>Relevant Scrutiny Committee</b>
None
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press Release</b>
NO

## **REPORT OF THE EXECUTIVE DIRECTOR, PLACE**

### **GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES (POLICY)**

#### **1.0 SUMMARY**

- 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 report also gives background information as to the legal requirement to have a Statement of Principles (Policy).

#### **2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE**

- 2.1 The policy will assist the Licensing Service in administering and enforcing the Gambling Act in accordance with the promotion of the 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 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 the Corporate Plan 2015–2018 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 Strong Economy**

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’.

## 3.0 **OUTCOME AND SUSTAINABILITY**

3.1 The expected outcomes are that:

- 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;

3.2 Gambling premises are a significant part of the City's economy and the larger businesses such as bingo halls and casinos are a key part of the night time economy.

#### **4.0 BACKGROUND**

4.1 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.”

4.2 Sheffield City Council's first Statement of Licensing Principles (Policy) was published on 2<sup>nd</sup> 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.

4.3 Revisions have been made in the policy following the changes in the Gambling Commissions 'Licence Conditions and Codes of Practice' (LCCP) which have strengthened the social responsibility aspects for operators.

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

#### **5.0 WHAT THE POLICY DEALS WITH**

5.1 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

- 5.2 The policy deals with all types of applications including the grant, variation and transfer of licences as well as the review of a licence.
- 5.3 The policy sets out how the Licensing Authority intends to deal with applications under the Gambling Act and is also a guide to applicants, residents, responsible authorities, interested parties and the Licensing Committee.
- 5.4 It will provide new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Gambling Act processes.
- 5.5 The Statement of Principles (Policy) allows the discretion of the Council and for every application to be dealt with individually on its merits.
- 5.6 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.
- 5.7 There is a firm commitment within the document to avoid duplication with other regulatory regimes such as Planning, Health & Safety and Fire Safety Legislation.

## **6.0 CONSULTATION**

- 6.1 The formal consultation process for the Statement of Principles commenced on the 11<sup>th</sup> June 2015, and concluded at 5:00pm on the 14<sup>th</sup> August 2015.
- 6.2 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.”
- 6.3 Approximately 3,000 letters and emails (where possible) regarding the consultation have been sent out which include those bodies listed above

in paragraph 6.2.

- 6.4 The letters and emails have included a link to our website 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.
- 6.5 The Licensing Authority has received a total of 9 responses to the public consultation.
- 6.6 Amendments have been made where appropriate to the draft policy in response to the comments received following Counsel advice.
- 6.7 It is to be noted that the revised Statement of Principles (Policy) has been fully reviewed by Philip Kolvin QC who is a specialist barrister in licensing law.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 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.
- 7.2 Therefore there are no additional financial and resource implications to the Council.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 Failure to formally review or consult on a Statement of Policy within the timescales required by the Gambling Act 2005, Regulations and Associated Guidance would mean that the council would not be complying with its statutory duty and would leave itself open to legal challenge.
- 8.2 If the revised document referred to within this report is approved by full Council in December then the Council as the Licensing Authority have fulfilled its statutory duties.

## **9.0 ENVIRONMENTAL IMPLICATIONS**

- 9.1 There are no environmental implications arising from this report. The consultation has been carried out generally through electronic means where possible and the draft document was also available electronically.
- 9.2 The Statement of Principles (Policy) when approved will be available to download from the Councils website.

## **10.0 EQUALITY OF OPPORTUNITY IMPLICATIONS**

- 10.1 There is no equality of opportunity implications arising from this report. An

Equality of Impact Assessment has been prepared and retained.

**11.0 REASONS FOR RECOMMENDATIONS**

11.1 To comply with the Council's statutory obligations and in doing so promote the Council's Corporate Plan and support the Council's vision.

**12.0 RECOMMENDATIONS**

12.1 That Cabinet approve the Statement of Principles (Policy) for referral to Full Council on 2<sup>nd</sup> December 2015.

Shimla Finch  
Licensing Strategy & Policy Officer  
September 2015