

Report to:	Council (LERC 16/08/2022)		
Date of meeting:	07/09/2022		
Report of:	Place Services	Report number:	41673
Reporting officer:	Jon Dyson Director of Place Services	Telephone number:	01204336810
Contact officer:	Patricia Clyne Licensing Manager	Telephone number:	01204336577
Report title:	Gambling Act 2005 - Review of Statement of Principles		
Not confidential			
This report does not contain information which warrants its consideration in the absence of the press or members of the public.			
Purpose:	<p>1. To invite the Committee to consider the responses to the consultation on the draft Gambling Act 2005 'Statement of Principles'.</p> <p>2. To agree amendments to the draft 'Statement of Principles' following the consultation to reflect the comments of the consultees.</p> <p>3. To recommend to Full Council that the draft 'Statement of Principles' are approved and replace the current 'Statement of Principles' approved in 2019.</p>		
Recommendations:	<p>The Committee is recommended to:</p> <p>1. Consider the responses to the consultation and agree the amendments to the draft 'Statement of Principles', which reflect the comments of the consultees.</p> <p>2. Recommend to Full Council that the draft 'Statement of Principles' are approved and replace the current Statement of Principles approved in 2019.</p>		
Decision:			
Background documents:	Bolton's Councils Gambling Act 'Statement of Principles' 2019.		
Signed:	Leader/Executive Cabinet Member	Monitoring Officer	
Date:			
Consultation with other officers			
Finance	No	N/A	N/A
Legal	No	N/A	N/A
HR	No	N/A	N/A
Procurement	No	N/A	N/A
Climate Change	No	N/A	N/A

Equality Impact Assessment	No	N/A	N/A	
b) Post consultation reports Please confirm that the consultation response has been taken into consideration in making the recommendations.			Yes	
Vision outcomes Please identify the appropriate Vision outcome(s) that this report relates or contributes to by putting a cross in the relevant box.			1. Start Well	
			2. Live Well	x
			3. Age Well	
			4. Prosperous	
			5. Clean and Green	
			6. Strong and Distinctive	

1. **INTRODUCTION & BACKGROUND**

- 1.1. The Gambling Act received royal assent in April 2005. It consolidated the regulation of casinos, bingo, gaming machines, lotteries, betting, and remote gambling into one Act.
- 1.2. The Act established a non-departmental public body, the 'Gambling Commission'. The Gambling Commission is responsible for advising both central and local government on issues relating to gambling.
- 1.3. The Gambling Commission issues operating licenses to organisations (required for operating gambling premises) and personal functional licences to individuals. A personal functional licence is required by an individual who performs any task that enables them to influence the outcome of gambling or receives payment of money in connection with gambling, such as a dealer or croupier.
- 1.4. The Gambling Commission (under section 25 of the Act) issue guidance to licensing authorities on the discharge of their functions under the Act. This guidance deals primarily with matters intended to assist licensing authorities in the development of their 'Statement of Principles', which is commonly referred to as 'The Gambling Policy'. The guidance sets out the principles that must be applied by the licensing authority in exercising its functions under the Act.
- 1.5. Under the Act the Council is responsible for issuing premises licences, permits and temporary use notices (premises where it's proposed that gambling should take place). The Council has also continued to be responsible for the registration of small society lotteries.
- 1.6. Section 349 of the Act requires the Council to review, consult and publish a 'Statement of Principles' every three years. The Council adopted the current 'Statement of Principles' in 2019.
- 1.7. The 'Statement of Principles' details the approach taken by the Council in carrying out its functions under the Act, the standards expected of licence holders and applicants applying for premises licences, permits and other permissions for example lottery registrations.

2. **ISSUES**

- 2.1. None.

3. **MAIN BODY OF THE REPORT**

- 3.1 The proposed 'Statement of Principles' were developed by the Greater Manchester (GM) Local Authorities, who are taking the opportunity to think differently about the potential impacts of gambling across the city region, with the shared aim of preventing and reducing the negative impacts of gambling on individuals, families, and communities.
- 3.2 As part of the innovative public service reform and population health agenda, GM are working with partners across each of the districts to ensure that gambling is a safe and enjoyable activity for all who choose to take part. The priorities are:
 - Developing an understanding of gambling related harms.
 - Improving access to high quality treatment and support.
 - Supporting interventions to prevent gambling from becoming a harmful activity; and
 - Engaging with people and communities to co-design the work.

4. **OPTIONS**

- 4.1 The Committee is recommended to consider the responses to the consultation and agree the amendments to the draft 'Statement of Principles', which reflect the comments of the consultees.
- 4.2 Recommend to Full Council that the draft 'Statement of Principles' are approved and replace the current Statement of Principles approved in 2019.

5. **IMPACTS AND IMPLICATIONS**

5.1 **Financial**

- 5.1.1 None.

5.2 **Legal**

- 5.2.1 None.

5.3 **HR**

- 5.3.1 None.

5.4 **Climate Change**

- 5.4.1 None.

5.5 **Other**

- 5.5.1 None.

6. **EQUALITY IMPACT ASSESSMENT (EIA)**

- 6.1. Under the Equality Act 2010, the council has a general duty to have due regard to the need to:
 - 1. **Eliminate unlawful discrimination**, harassment, victimisation, and any other conduct prohibited by the Act.
 - 2. **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
 - 3. **Foster good relations** between people who share a protected characteristic and people who do not share it.
- 6.2 The final Equality Impact Assessment is attached to this report below. No major impacts have been identified.

7. **CONSULTATION**

- 7.1. The Committee approved consultation on the draft 'Statement of Principals' at a meeting held on the 26th April 2022.
- 7.2. The draft statement was shared with 392 stakeholders and was published on the Council website. The consultation period ran for 8 weeks and ended on the 17th June 2022.

- 7.3. Less than 2% of the stakeholders contacted responded (7 in total). Those that responded represented the gambling industry (3), gambling support services (2), Responsible Authorities (1) and members of the public (1). A summary of the responses and suggested amendments to the draft statement, reflecting the comments of the consultees, is attached to this report as **Appendix A**.
- 7.4. The draft statement is attached to the report at **Appendix B** and the suggested amendments are highlighted in yellow and red on pages 5, 40 and 43.
- 7.5. The draft statement needs to be adopted by Full Council as it forms part of the Council's Policy Framework under the Scheme of Delegation.

8. **VISION 2030**

- 8.1. Live Well - the health and wellbeing of our residents is improved, so that they can live healthy, fulfilling lives for longer.
- 8.2. The proposed 'Statement of Principles' were developed by the Greater Manchester (GM) Local Authorities, who are taking the opportunity to think differently about the potential impacts of gambling across the city region, with the shared aim of preventing and reducing the negative impacts of gambling on individuals, families, and communities.
- 8.3. As part of the innovative public service reform and population health agenda, GM are working with partners across each of the districts to ensure that gambling is a safe and enjoyable activity for all who choose to take part. The priorities are:
- Developing an understanding of gambling related harms.
 - Improving access to high quality treatment and support.
 - Supporting interventions to prevent gambling from becoming a harmful activity; and
 - Engaging with people and communities to co-design the work.

9. **RECOMMENDATIONS**

- 9.1. The Committee is recommended to:
- Consider the responses to the consultation and agree the amendments to the draft 'Statement of Principles', which reflect the comments of the consultees.
 - Recommend to Full Council that the draft 'Statement of Principles' are approved and replace the current Statement of Principles approved in 2019.

Equality Impact Assessment

Title of report or proposal:
Gambling Act 2005 - Review of Statement of Principles

Directorate:	Place Services
Section:	Licensing Unit (Regulatory Services)
Date:	16 th August 2022

Public sector bodies need to be able to evidence that they have given due regard to the impact and potential impact on all people with 'protected characteristics' in shaping policy, in delivering services, and in relation to their own employees.

Under the Equality Act 2010, the council has a general duty to have due regard to the need to:

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

By completing the following questions the three parts of the equality duty will be consciously considered as part of the decision-making process.

Details of the outcome of the Equality Impact Assessment must also be included in the main body of the report.

1. Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes.

Bolton Council as the 'Licensing Authority' is required to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued.
- Maintain registers of the permits and licences that are issued under these functions

The Council carries out its functions under the Gambling Act 2005 with a view to promoting the three licensing objectives, namely:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Bolton Council has reviewed its Gambling Act Statement of Principles as required by the Gambling Act 2005.

Consultation was undertaken in accordance with the requirements of the Act.

2. Is this a new policy / function / service or review of existing one?

Section 349 of the Act requires the Council to review, consult and publish a 'Statement of Principles' every three years. The Council adopted the current 'Statement of Principles' in 2019.

The 'Statement of Principles' details the approach taken by the Council in carrying out its functions under the Act, the standards expected of licence holders and applicants applying for premises licences, permits and other permissions for example lottery registrations.

3. Who are the main stakeholders in relation to the proposal?

The Act details the following as statutory consultees:

- The Chief Officer of Police.
- One or more persons who appear to the authority to represent the interest of persons carrying on gambling business in the Bolton area.
- One or more persons who appear to the authority to represent the interest of persons who are likely to be affected by the exercise of Bolton Council 's functions under the Gambling Act 2005.

The consultation was undertaken as follows:

- The consultation and proposed policy were published on the Councils website.
- Letters were issued to the following advising them of the consultation and directing them to the Councils website:
 - The Chief Officer of Greater Manchester Police.
 - Local Area Forums.
 - Companies who have Betting, Bingo and Casino premises in the Bolton area.
 - Local Safeguarding Children Board.
 - Gamcare and Gamblers anonymous.
 - Area Forums.
- Elected Members were consulted through the appropriate internal processes.

4. In summary, what are the anticipated (positive or negative) impacts of the proposal?

The new Statement of Principles is not anticipated to have a significant impact.

The new statement has been developed by Greater Manchester, thinking differently about gambling with a shared aim to prevent and reduce the negative impacts of gambling on individuals, families and communities.

As part of our innovative public service reform and population health agenda we are working with partners across Greater Manchester to ensure that gambling is a safe and enjoyable activity for all who choose to take part. Our priorities are:

- Developing our understanding of gambling related harms
- Improving access to high quality treatment and support
- Supporting interventions to prevent gambling from becoming a harmful activity
- Engaging with people and communities to co-design our work.

The Statement of Principles sits within the wider context of the Local Authority's duties under the Equality Act 2010. These require us to have due regard to:

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

Given the above and the associated impact detailed below, it is not anticipated that the changes will affect the ability to meet duties under the Equality Act.

5. What, if any, cumulative impact could the proposal have?

Impact for the business community

For the business community, the Statement of Principles outlines the procedure for applying for a licence and sets out the responsibilities of Bolton Council as the 'Licensing Authority' and business owners undertaking licensable activities.

The principles remain consistent with the current Statement of Principles and recognise the wider community impacts that the Local Authority, business community and other stakeholders must be aware of when undertaking licensing activities.

The statement recognises the need for a balance between the rights of businesses and the community of which they are a part.

Impact for the wider community

The changes proposed in the revised Statement of Principles are not anticipated at this time to impact significantly on the wider community

6. With regard to the stakeholders identified above and the diversity groups set out below:

Consider:

- How to avoid, reduce or minimise negative impact (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- How to **advance equality of opportunity**. This means considering the need to:
 - Remove or minimise disadvantages suffered by people with protected characteristics due to having that characteristic.
 - Take steps to meet the needs of people with protected characteristics that are different from people who do not have that characteristic
 - Encourage protected groups to participate in public life and in any other activity where participation is disproportionately low
- How to **foster good relations**. This means considering the need to:
 - Tackle prejudice; and
 - promote understanding between people who share a protected characteristic and others.

	<p>If you are completing this form prior to consultation: Is there any potential for (positive or negative) differential impact? Could this lead to adverse impact and if so, what?</p> <p>If you are completing this form following consultation: List any adverse impacts identified from data or engagement (Delete as appropriate)</p>	<p>Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason? Please state why</p>	<p>Please detail what actions you will take to remedy any identified adverse impact i.e. actions to eliminate discrimination, advance equality of opportunity and foster good relations</p>
<p>Race (this includes ethnic or national origins, colour or nationality, and caste, and includes refugees and migrants, and gypsies and travellers)</p>	<p>It is not anticipated that the proposed Statement of Principles will have an effect on the grounds of race.</p>	<p>Not applicable at this time</p>	<p>Consultation on the new Statement of Principles has been undertaken with statutory consultees, including representatives from the business community and residents.</p>

Religion or belief (this includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief)	It is not anticipated that the proposed Statement of Principles will have an effect on the grounds of faith.	Not applicable at this time	Consultation on the new Statement of Principles has been undertaken with statutory consultees, including representatives from the business community and residents.
Disability (a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)	It is not anticipated that the proposed Statement of Principles will have an impact on the grounds of disability.	Not applicable at this time	Consultation on the new Statement of Principles has been undertaken with statutory consultees, including representatives from the business community and residents.
Sex / Gender	The Statement of Principles has clear links to wider social outcomes such as health and wellbeing and crime and disorder, which may manifest themselves differently in men and women. It is not anticipated that the new statement will have a particular impact on the grounds of gender.	Not applicable at this time	Consultation on the new Statement of Principles has been undertaken with statutory consultees, including representatives from the business community and residents

Gender reassignment / Gender identity (a person who's deeply felt and individual experience of gender may not correspond to the sex assigned to them at birth, they may or may not propose to, start or complete a process to change their gender. A person does not need to be under medical supervision to be protected)	The Statement of Principles has clear links to wider social outcomes such as health and wellbeing and crime and disorder, which may manifest themselves differently in men and women. It is not anticipated that the new statement will have a particular impact on the grounds of gender.	Not applicable at this time	Consultation on the new Statement of Principles has been undertaken with statutory consultees, including representatives from the business community and residents
Age (people of all ages)	The Statement of Principles clearly recognises the need to protect children from harm and is therefore relevant to the borough's young people. The new statement should not significantly alter how safeguarding is delivered under the policy.	Not applicable at this time	Consultation on the new Statement of Principles has been undertaken with statutory consultees, including representatives from the business community and residents.
Sexual orientation - people who are lesbian, gay and bisexual.	It is not anticipated that the new Statement of principles will have an effect on the grounds of sexuality.	Not applicable at this time	Consultation on the new Statement of Principles has been undertaken with statutory consultees, including representatives from the business community and residents.
Marriage and civil partnership (Only in relation to due regard to the need to eliminate discrimination)	It is not anticipated that the new statement will have an effect on the grounds of marriage and civil partnership.	Not applicable at this time	Consultation on the new Statement of Principles has been undertaken with statutory consultees, including representatives from the business community and residents.

Caring status (including pregnancy & maternity)	Please see the section on age, above, for considerations around children. It is not anticipated that the new statement will have a specific impact in relation to pregnancy and maternity.	Not applicable at this time	Consultation on the new Statement of Principles has been undertaken with statutory consultees, including representatives from the business community and residents.
Socio-economic	The Statement of Principles has clear links to wider social outcomes such as health and wellbeing and crime and disorder, for which there may be particular considerations in areas of socio-economic disadvantage. It is not anticipated that the new policy will have a specific impact in relation to socio-economic issues at this time.	It is not anticipated that the proposed policy will have an adverse impact on the grounds of socio-economic disadvantage.	Consultation on the new Statement of Principles has been undertaken with statutory consultees, including representatives from the business community and residents.
Other comments or issues.	<p>As detailed in the report the proposed new statement of principles has been drafted in accordance with the statutory requirement to renew the Statement of principles every 3 years and has been updated.</p> <p>It is important to stress that the principles governing the Statement of Gambling policy remain consistent and continue to recognise the need to balance the rights of businesses and the communities of which they are a part.</p> <p>This is important for diversity groups such as children and young people, and for vulnerable people who may, for example, be experiencing socio-economic disadvantage. The principles also link to wider community outcomes such as crime and disorder, health and community wellbeing.</p>		

<p>Please provide a list of the evidence used to inform this EIA, such as the results of consultation or other engagement, service take-up, service monitoring, surveys, stakeholder comments and complaints where appropriate.</p>	<ul style="list-style-type: none"> • The existing Statement of principles. • National legislative frameworks and guidance. • Engagement with key stakeholders will follow
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This EIA form and report has been checked and countersigned by the Directorate Equalities Officer before proceeding to Executive Cabinet Member(s)

Please confirm the outcome of this EIA:

No major impact identified, therefore no major changes required – proceed	<input checked="checked" type="checkbox"/>
Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed	<input type="checkbox"/>
Positive impact for one or more groups justified on the grounds of promoting equality - proceed	<input type="checkbox"/>
Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
The EIA identifies actual or potential unlawful discrimination - stop and rethink	<input type="checkbox"/>

Contact Officer

Name: Patricia Clyne

Date: 16th August 2022

Directorate Equalities Lead Officer

Name:

Date: