

GAMBLING – STATEMENT OF LICENSING POLICY

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1. Area Affected

1.1 All areas of the County Borough.

2. Purpose of Report

2.1 To seek the approval of the Council in respect of the Gambling Statement of Licensing Policy, and to establish whether the Council wish to make a resolution not to issue casino licences as part of that Statement.

3. Recommendation(s)

3.1 Members are asked to consider the views of the Licensing Committee and:-

- 1 approve the adoption of the Gambling Statement of Licensing Policy, making any such changes they view as necessary prior to the adoption of that statement, and
- 2 state whether the Council wishes to make a resolution not to issue casino licences.

4. Background

4.1 The Gambling Act 2005 (hereafter referred to as the Act) brought together a number of historical pieces of legislation to create a single framework for the licensing of gambling businesses. Responsibility for delivery of those functions is led by the Gambling Commission, with local authorities responsible for the licensing of gambling premises in their area.

4.2 The Act sets out the licensing objectives, which are:

- 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 people from being harmed or exploited by gambling.

4.3 The types of gambling licence a business may need under the Act are as follows:

- an operating licence for the business itself (issued by the Gambling Commission);

- a personal management licence for certain people within the organisation (at strategic management level, regional management, and at individual premises level for casino and bingo premises) (issued by the Gambling Commission);
- a personal functional licence at an individual level for some supervisory and casino activities (issued by the Gambling Commission);
- a premises licence (issued by local licensing authority).

The Gambling Commission issues information for existing or prospective gambling businesses relating to the licenses that they issue, including advice and guidance on how to comply with the law, licence conditions and codes of practice. The Gambling Commission also employs regional Compliance Managers who, as part of their enforcement role, liaise and carry out joint inspections with local authority officers.

The level of gambling harm arising from on-line activities is increasingly being recognised, and some on-line gambling businesses have recently been fined by the Gambling Commission for failing to protect users who have been harmed by gambling and had sought to self-exclude. The rapid increase in advertising of these on-line companies is also being examined.

- 4.4 Gambling Commission figures, published in 2015, showed that around 60% of adults gamble, with the most popular gambling activities being the National Lottery draws (46%), scratch cards (23%) and other lotteries (15%).

Just under half of adults participate in other types of gambling activity each year, with off-line and on-line horse betting and other sports betting being the most popular forms of gambling, followed by slot machines. These forms of gambling were most popular in the younger age groups, with older gamblers focussing more on lotteries etc.

Whilst the Gambling Commission bears most of the responsibility for the control of gambling activities, Local Authorities licence and enforce in respect of gambling premises in their area, and the framework for these activities are established by each Authority in their statement of licensing policy.

- 4.5 It is sometimes difficult to remember that the first Apple iPhone, which revolutionised the smartphone market, only went on sale in 2007. Just 10 years later, over 82% of the UK adult population are estimated to own and use smartphones, and a wide range of on-line gambling services have recently become available that offer customers the opportunity to gamble wherever and whenever they wish. This has revolutionised the gambling trade in the UK in a way that could not be envisaged when the Act came into being, and around 33% of gambling is now thought to be on-line. This may be slightly lower in Wales, particularly in areas where high speed internet and mobile phone connections are less accessible.

In response, many gambling premises have focussed on the social aspects of gambling, with nicer premises and food/drink on offer to make premises increasing accessible to both men and women of all age groups. Bingo, in particular, is seen a primarily social activity by many, with local bingo premises busy throughout the day. Local gambling premises continue to be popular and well used, and Local Authorities therefore continue to have an important function

in balancing the needs of those who enjoy gambling against the needs of those harmed by gambling activities.

4.6 Section 349 of the Act requires that 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

The Gambling Commission's "Guidance to licensing authorities", which is statutory guidance under the Act, explains that:

"The statement of policy forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality"

4.7 The Gambling Commission guidance lays down how Local Authority statements of policy should be developed, and describes how licensing authorities can use these to set out the local issues, priorities and risks that inform and underpin their approach to local regulation.

The Licensing Policy provides the opportunity for licensing authorities to:

- 1 Set out the Licensing Objectives of the Authority, and explain how these will be achieved.
- 2 Agree and set out how gambling is to be managed in different parts of the local authority area to deal with local risks and issues.
- 3 Show how Responsible Authorities and local communities can have their voice heard as part of the consideration of any new gambling premises application.
- 4 Provide clarity for licensees and prospective licensees about how their businesses are likely to be treated in different localities, by stating:
 - a. How the authority will go about considering the location and type of gambling premises in the area, and
 - b. Stating the Licensing Conditions that gambling premises will be required to comply with in order to meet the licensing objectives
- 5 Provide greater scope for licensing authorities to work in partnership with local businesses, communities, and responsible authorities to identify and mitigate local risks to the licensing objectives.

The Gambling Policy can therefore be seen as an important document that sets out how gambling premises in the area are to be managed over the next three years.

5. **Issues and Findings**

5.1 A Gambling Statement of Licensing Policy (hereafter referred to as the Gambling Policy) for the authority was first adopted in 2005/6 and has been updated since that time in line with statutory requirements.

The most recent Gambling Policy for the authority was approved on the 22nd September 2015, and came into force on 31st January 2016

5.2 Torfaen's statement of policy relates to certain gambling premises in the Torfaen area, which are currently as follows:-

Premises type	Number of premises
Betting (other)	9
Bingo	2
Adult Gaming Centre	2

Licensing authorities also provide lottery registrations and gambling permits for pubs, clubs and other establishments for low-level gambling. However, these offer few, if any, opportunities for local authorities to impose limits or controls other than as defined in law.

5.3 As a first step towards preparing a statement of the principals to be adopted by the authority, the existing Gambling Policy was reviewed as follows:

- 1 On an all-Gwent basis via the Gwent Licensing Forum, attended by Licensing Officers from the 5 Gwent Authorities, in respect of any changes in the statutory guidance issued by the Gambling Commission and any other generic matters arising since the last review of the Gambling Policy, and
- 2 Specifically by Torfaen Licensing Officers in respect of the local area profile and risk assessments, and any other local matters.

From this process, a draft Gambling Policy was developed for further consideration as appropriate.

5.4 The draft Gambling Policy was presented to the Licensing Committee on the 10th May 2018, and this was approved for consultation with minor amendments.

5.5 The Act requires licensing authorities to consult with the following on their statement of policy or any subsequent revision:

- in England and Wales, the chief officer of police for the authority's area
- 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 Act.

The guidance states that it is a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with, which might include consultation with relevant local groups, business and responsible authorities. However, the guidance goes on to state that any written consultation should follow best practice as set out by the Department for Business, Innovation and Skills.

- 5.6 The consultation process for Torfaen was designed to ensure that local gambling businesses, local residents using or affected by gambling businesses, and organisations representing those potentially harmed by gambling were offered the opportunity to comment on the Gambling Policy. To this end:
- 1 Details of the consultation were put on the consultation section of the Torfaen web-site so that it could be accessed by local people and beyond.
 - 2 Letters were sent to all 113 Torfaen Gambling premises licence-holders.
 - 3 Letters were sent to 43 internal and external organisations recognised as trade associations or those dealing with or representing those potentially affected by gambling or experiencing harm from gambling activities. The list of these consultees is attached as Appendix 1.

- 5.7 The consultation ran for three months to the 15th September 2018 and, in all, 7 responses were received from:

- Gambling Commission
- Newport Citizens Advice
- Gamcare
- HM Custom & Excise
- Social Services
- Aneurin Bevan University Health Board
- Gosschalks Solicitors, on behalf of the Association of British Bookmakers

Copies of the consultation responses are attached as Appendix 2. Those received as e-mails from individuals within the organisation they represent have been redacted to remove personal details. Gamcare also provided details of training that they provide, which is available to Members on request.

The Gwent Licensing Forum continued to review issues around the Policy review and any consultation responses received by the five Gwent Authorities. In order to capture as wide a response as possible, any recommendations made by the Gwent Licensing Forum through the consultation period have therefore been included in the review process.

The consultation process has also prompted some organisations to approach this and other authorities in respect of wider gambling harm issues. The Gwent Licensing Forum is now looking to work more closely with these organisations where appropriate, in order to inform future working arrangements and practices.

- 5.8 Following the close of the consultation, the draft Gambling Policy was reported to the Licensing Committee on the 11th October 2018 for consideration. One minor amendment was identified by the Licensing Committee prior to the consideration

of this Policy by Council.

So that Members can track the changes made at each stage of this process, amendments made to the existing Policy are shown as follows

- 1 **RED** - initial changes made to the previous Gambling Policy – this is the policy version that was subject to consultation.
- 2 **GREEN** - amendments made by officers since the start of the consultation process.
- 3 **BLUE and underlined** - amendments made to as a result of the consultation.

5.9 As part of the Gambling Policy review, Members may also make a resolution not to issue casino licences. Torfaen has previously made such a resolution, which ceases on the 30th January 2019.

Any resolution not to issue casino licences must be made by Council. In passing such a resolution

- 1 The authority may take into account any principle or matter, not just the licensing objectives.
- 2 The resolution must apply to casino premises generally - the authority cannot limit its effect to geographic areas or categories of casinos.

Where a resolution is passed, it must be published by the authority in its statement of policy, stating the date on which it comes into force. For the sake of simplicity, this may be the date on which the Gambling Policy itself comes into force.

5.10 In considering this matter, Members may wish to consider:

- 1 The positive impacts that a casino may bring, in terms of job creation and other economic benefits, as well as providing an entertainment venue for those who enjoy partaking in gambling activities.
- 2 The negative impacts that a casino may bring, particularly around potential gambling addiction and other forms of harm.

5.11 The effect of any such resolution would, under the current Constitution of the Authority, be as follows:

- 1 If a resolution not to issue a casino licence is adopted by the Council, any casino application made between the 31st January 2019 and the 30th January 2022 will be returned to the application and will not be considered further.
- 2 If a resolution is not adopted, applications for a casino licence will be received and processed in the same way as other gambling premises applications. This includes a standard 28 day consultation process and, where representations are received, any determination of that application

would rest with the Licensing Committee.

5.12 Interested Parties can make representations about licence applications based on the three licensing objectives as detailed in paragraph 4.2 above. An Interested Party is defined as someone who:

- (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) Has business interests that might be affected by the authorised activities including the local Health Board; or
- (c) Represents persons in either of the two groups above.

The definition of an Interested Party with business interests can be quite wide, and would, for example, include charities, faith groups, medical practices and the Local Health Board. Councillors, MP's/ AMs and Town and Community Councils representing wards likely to be affected would also be considered as interested parties. Correspondence from any one of these persons, requesting a representation, would result in the application being referred to the Licensing Committee.

The Licensing Committee discussed how this consultation process would allow any casino application to be considered on a case by case basis with, where representations are received, such applications being determined by a Panel of Licensing Committee Members.

6 Consultation

6.1 The consultation processes that have been followed are outlined in this report.

7 Implications

7.1 The review of the Gambling Policy and the consultation process is a statutory requirement, and the Authority may be subject to judicial review if this process is not carried out in a timely and appropriate manner.

7.2 Legal – the Gambling Policy will determine the legal framework within which the Authority delivers licensing services in respect of gambling premises.

7.3 Financial – the approval of this policy will set the framework for the delivery of gambling licensing and enforcement activities that are currently met within existing budgets.

7.4 Partners and service users – the development of robust policies helps partners and service users understand the licensing process and how it affects them.

7.5 Well-being, Social Inclusion and Equalities – Given the known harm linked to gambling addiction, well-being, social inclusion and equality issues are an important consideration for Members when coming to a decision regarding the Gambling Policy or whether to permit casinos in the Torfaen area.

Gambling is a popular pastime for a majority of the adult population, and can play a significant economic and social roles in terms of adult entertainment. Going to bingo or a betting shop is a social activity for many, and this plays a part in combating loneliness across a range of age-groups. This is not, however, the case for all gamblers.

An investigation of the social impact of problem gambling in Wales, published by the University of South Wales in 2017, outlined potential gambling harm as including personal struggles and despair, family breakdown, poverty and growing up with the threat of homelessness. This report also suggested that the gambling industry appears to target the vulnerable, with gambling premises clusters located in deprived geographical areas.

Self-exclusion is promoted by the Gambling Commission as a way to minimise harm to those recognising that they have a problem, and supports those who have decided that they wish to stop gambling for at least six months and wish to be supported in their decision to stop. Once an agreement is made, the gambling company must

- close any accounts and return any money to the individual concerned
- remove their name and details from any marketing databases it uses, and
- take reasonable steps to prevent that person from gambling at that premises

All companies that offer gambling in licensed premises (arcades, bookmakers, bingo and casinos) must be part of a multi-operator self-exclusion scheme. A single request to self-exclude should then apply to all premises offering the same type of gambling in the area (for example, betting shops), rather than the customer needing to exclude from each operator individually.

Self-exclusion policies and procedures are examined by Officers as part of the inspection process and are generally regarded as robust in Torfaen, so far as is reasonably practicable. No complaints have been received directly or via the Gambling Commission regarding self-exclusion processes in Torfaen but, where complaints are received, these would be investigated as a matter of priority and enforcement action taken where needed. This could, for example, include the review of any licence.

Gambling premises must also assess the local risks to the licensing objectives and have policies, procedures and control measures in place to reduce those risks. The Gambling Policy (Section 6) sets out the matters this Authority expects the operator to take account of in their local risk assessment and this would include, for example, the location of groups of vulnerable people in the area or other local issues such as drug taking.

Operators are required to make the risk assessment available to licensing authorities when an application is submitted and a copy should be kept at the premises or otherwise on request, and this forms part of the Council's inspection regime or when investigating complaints.

Gambling premises are also required to conduct or update a risk assessment when:

- applying for a new premises licence
- applying for a variation to a premises licence
- changes in the local environment or the premises warrant a risk assessment to be conducted again

The review and updating of the Gambling Policy helps to ensure that social inclusion and equality issues can be taken into account as part of the gambling premise licensing and enforcement process, and in particular helps to address issues around potential gambling addiction.

8. Action to be taken following decision

8.1 There are specified requirements within the consultation process, and key statutory dates for the publication and commencement of this policy. The time-frame is, therefore, as follows

Action	Date
Policy to the Licensing Committee for consideration	11 October 2018
Policy to full Council for approval	23 October 2018
Amendment of the draft Policy in accordance with the decision of Council, ready for publication	
Legal notice in newspaper for a minimum of 4 weeks	By end of November 2018
Publication of policy	3rd Jan 2019 – statutory date
Commencement of policy	31st Jan 2019 – statutory date

9. Monitoring and Evaluation

9.1 The Licensing Team will continue to review Gambling Policy to ensure that the Authority delivers the best service to the public.

10. Conclusion/summary

10.1 The review of the Gambling Policy is a statutory requirement that assists the authority in respect of service delivery and enforcement, creates a level playing field for businesses and helps protect local communities. This report asks Members to determine whether the draft Gambling Policy should now be adopted.

11 **Recommendation(s)**

11.1 Members are asked to consider the views of the Licensing Committee and:

- 1 approve the adoption of the Gambling Statement of Licensing Policy, making any such changes they view as necessary prior to the adoption of that statement, and
- 2 state whether the Council wishes to make a resolution not to issue casino licences

Appendices	<ol style="list-style-type: none">1. List of consultees2. Responses to the consultation3. Draft Gambling Policy 2019/2022
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Background Papers	<p>Gambling Commission Guidance to licensing authorities 5th edition</p> <p>An investigation of the social impact of problem gambling in Wales</p> <p>Gambling behaviour in Great Britain in 2015</p>
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For a copy of the background papers or for further information about this report, please telephone: Alison Hughes, Team Leader Licensing. Tel: 01633 647286

APPENDIX 1 – WELLBEING ASSESSMENT

Appendix 1- Well-being Assessment

<p>Project Description (key aims):</p> <p>GAMBLING – STATEMENT OF LICENSING POLICY</p> <p>This report seeks the approval of the Council in respect of the Gambling Statement of Licensing Policy, and seeks to establish whether the Council wishes to make a resolution not to issue casino licences as part of that Statement.</p>	
<p>Section 1) Complete the table below to assess how well you have applied the 5 ways of working.</p>	
 <p>Integration</p>	<p>1. <i>How does your project / activity deliver economic, social, environmental & cultural outcomes together?</i></p> <p>This report relates to the approval of a statutory policy that looks at the various economic, social and other aspects of gambling in the Torfaen area.</p> <p>There are no conflicts with the objectives of the council, as these proposals relates to work carried out against the previously agreed business plan.</p>
 <p>Long-term</p>	<p>2. <i>How does your project / activity balance short-term need with the long-term and planning for the future?</i></p> <p>This proposal is, by its very nature, short term as this policy is required to be considered again within a three year timescale.</p>
 <p>Prevention</p>	<p>3. <i>How does your project / activity put resources into preventing problems occurring or getting worse?</i></p> <p>This report refers to statutory licensing functions that are, in themselves, largely preventative in protecting local people and communities from harm</p>
 <p>Collaboration</p>	<p>4. <i>How does your project / activity involve working together with partners (internal and external) to deliver well-being objectives?</i></p> <p>This report refers to work that is carried out in collaboration with other teams and departments, and with other statutory bodies such as the Police, Gambling Commission etc.</p>



Involvement

5. *How does your project / activity involve stakeholders with an interest in achieving the well-being goals? How do those stakeholders reflect the diversity of the area?*

This report refers to statutory licensing functions that have included local people and businesses in the consultative processes, and will also involve them in certain activities linked to this Policy as appropriate. Specific stakeholders have been contacted as part of the consultative process.

Section 2) Assess how well your project / activity will result in multiple benefits for our communities and contribute to the national well-being goals (use **Appendix 1** to help you).

Description of the Well-being goals	How will your project / activity deliver benefits to our communities under the national well-being goals?	Is there anyway to maximise the benefits or minimise any negative impacts to our communities (and the contribution to the national well-being goals)?
<p>A prosperous Wales An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.</p>	<p>The report recognises the preventative nature of the Gambling Policy in relation to public health and consumer protection by promoting social, physical and mental well-being. It also helps deliver a fair trading environment for licensed businesses, which assists in generating wealth and sustaining employment in compliant businesses</p>	<p>This is a supporting activity only, and does not directly relate to or support well-being goals</p>
<p>A resilient Wales A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).</p>	<p>No significant links to this heading</p>	<p>This is a supporting activity only, and does not directly relate to or support well-being goals</p>

<p>A healthier Wales A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.</p>	<p>The proposal recognises and discusses the potential public health harm arising from gambling addiction, and describes the preventative work undertaken by the Licensing Team and others in relation to public health and consumer protection by promoting social, physical and mental well-being.</p>	<p>This report discusses the ways in which individuals and communities will be protected through the life-span of this Policy.</p>
<p>A more equal Wales A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).</p>	<p>The report recognises and discusses the impact of gambling on vulnerable individuals and communities.</p>	<p>This report discusses the ways in which individuals and communities will be protected through the life-span of this Policy.</p>
<p>A Wales of cohesive communities Attractive, viable, safe and well-connected communities.</p>	<p>The report recognises the preventative work undertaken by the Licensing Team in relation public health and consumer protection by promoting social, physical and mental well-being and a fair trading environment. This positively impacts on other public bodies such as the NHS, Police and other local authorities.</p>	<p>This is a supporting activity only, and does not directly relate to or support well-being goals</p>
<p>A Wales of vibrant culture and thriving Welsh language A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.</p>	<p>No significant links to this heading.</p>	<p>This is a supporting activity only, and does not directly relate to or support well-being goals</p>
<p>A globally responsible Wales A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p>	<p>The report recognises the preventative work undertaken by the Licensing Team in relation public health and consumer protection by promoting social, physical and mental well-being and a fair trading environment for local, national and overseas businesses.</p>	<p>This is a supporting activity only, and does not directly relate to or support well-being goals</p>

Section 3) Will your project / activity affect people or groups of people with protected characteristics? Explain what will be done to maximise any positive impacts or minimise any negative impacts.

Protected characteristics	Will your project / activity have any positive impacts on those with a protected characteristic?	Will your project / activity have any negative impacts on those with a protected characteristic?	Is there anyway to maximise any positive impacts or minimise any negative impacts?
Age	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic
Disability	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic
Gender reassignment	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic
Marriage or civil partnership	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic
Pregnancy or maternity	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic
Race	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic
Religion or Belief	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic
Sex	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic
Welsh language	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic	This report does not specifically refer to this protected characteristic

Section 4) Identify decision meetings for project/ activity e.g. Cabinet, Council or delegated decisions taken by Executive Members and / or Chief Officers.

The draft report and consultative process were approved by the Licensing Committee in May 2018, and the recommendations of that Committee in respect of the final Policy document will be reported to Council for final consideration and approval of this Policy.

**Officer Name and Job Title: Alison Hughes, Team Leader
Licensing**

Date: 4 October 2018