



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

16TH OCTOBER 2018

**GAMBLING ACT 2005 – REVISION OF STATEMENT OF PRINCIPLES
(LOCAL POLICY) 2019-2021**

**REPORT OF DIRECTOR OF PUBLIC HEALTH, PROTECTION AND
COMMUNITY SERVICES IN DISCUSSION WITH THE CABINET MEMBER
FOR STRONGER COMMUNITIES, WELL-BEING AND CULTURAL
SERVICES, COUNCILLOR RHYS LEWIS**

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1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to consider the revised Statement of Principles, under the provisions of the Gambling Act 2005 (i.e. the local policy statement for the management of gambling activity within the boundary of Rhondda Cynon Taf County Borough Council), for the period 2019 – 2021 in accordance with statutory requirements.

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Approve the revisions to the policy as advocated by the Director of Public Health, Protection and Community Services, and which were considered by the Licensing Committee on 11th September 2018.
- 2.2 Commend the revised Statement of Principles to Council for adoption in line with statutory requirements.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Section 349 of the Gambling Act 2005 dictates that a Licensing Authority, here being Rhondda Cynon Taf County Borough Council, 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.

3.2 The attached recommendations are to ensure Rhondda Cynon Taf County Borough Council delivers its obligations under the said Act.

4. BACKGROUND

4.1 The proposed Statement of Principles is to come into effect from 31st January 2019, pending approval from full Council.

4.2 The Statement of Principles is the policy framework which sets out the expectations of the Licensing Authority in matters relevant to the Gambling Act 2005. (The title 'Statement of Principles' is used to differentiate the document from the Licensing Policy which refers specifically to matters determined under the Licensing Act 2003).

4.3 There is a statutory requirement to review the Statement of Principles on a 3 yearly basis and the current statement has therefore been subject to review.

4.4 The process for the review is very prescriptive, in that the Gambling Commission has set out in their Statutory Guidance both the format and content of the Statement of Principles. Whilst it is recognised that the position of respective Licensing Authorities may vary according to the local needs of their area, the format of all policy statements will essentially be the same. This is considered to be in the interest of the trade to enable there to be effective assessment of the policy documents and ease of comparison between authorities.

4.5 Statement Review:

4.6 The gambling trade in Rhondda Cynon Taf is very well regulated. The trade is essentially static, with little change in trading position from month to month. Complaints are minimal; licence changes are rare and to date there have been no contested applications which have required determination by the Licensing Committee. As a consequence there is a 'light touch' approach to enforcement.

4.7 The Licensing Authority does, however, work closely with the Gambling Commission in respect of complaints received, legislative change and best practice which may impact on gambling activity in our communities.

4.8 In view of the foregoing and having considered the very limited amendments to the legislation in the past three years, it is considered that the current Statement of Principles continues to be fit for purpose.

4.9 It has, however, been reviewed to take account of legislative change and best practice. Such changes do not substantially affect the position

of the Licensing Authority in the manner in which it regulates gambling activity in the public interest in Rhondda Cynon Taf.

- 4.10 The structure of the document differs slightly from the previous Statement of Principles, mainly to bring in line with those of other Councils.

The main changes relate to:-

- i) Reference to compliance with provisions of Data Protection Act (DPA) 2018 and the General Data Protection Regulation (GDPR) [*Section 8*];
- ii) Reference to a Betwatch Scheme [*Section 10*];
- iii) Change of legislation for Bingo Premises in relation to gaming machines [*Section 20*].

A copy of the Draft Statement of Principles for 2019 to 2021 is reproduced as **Appendix 1**.

4.11 **Liaison with Licensing Committee:**

- 4.12 In order to keep Members informed, the Director of Public Health, Protection & Community Services prepares a quarterly report for the Licensing Committee which includes:-

- an overview of general activity relevant to the gambling regime, during the specified period, with particular regard to complaint & enforcement matters as they arise;
- proactive work in the context of premises inspections;
- work undertaken by officers under delegated powers;
- fees received.

5. **EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It has been found that a full EqIA is not required.

- 5.2 The report does not impact on any one group more than others, except for in a positive nature towards children. The safeguarding of children is a significant consideration for Rhondda Cynon Taf County Borough Council as well as a number of other organisations. This report is compiled with the intention of keeping children safe and minimising the risk of them coming to harm through access to gambling

6 CONSULTATION

Process

- 6.1 The statutory guidance sets out the format of consultation required for the document. The governing principle is proportionality of the type and scale of consultation to the potential impacts of the proposal or decision being taken.
- 6.2 Based on agreements with the Gambling Commission for previous reviews and given the relatively minor changes introduced, it was agreed to a consultation period of 1 calendar month from 24th July 2018 to 24th August 2018.
- 6.3 The consultation has taken the format of direct contact with interested parties as specified in the draft document, a published notice on the Council's website as well as social media pages, highlighting the review and directing people to contact the licensing office to view a hard copy.
- 6.4 There has also been a questionnaire produced and made accessible on the RCT website, and again social media pages. This questionnaire was available to the public for a period of 6 weeks, from 9th July 2018 to 24th August 2018.
- 6.5 A copy of the Questionnaire is reproduced as **Appendix 2**, with the results shown in **Appendix 3**.
- 6.6 In addition, unannounced visits were made to a number of betting shops and gaming centres within Rhondda Cynon Taf to check if they had their local area risk assessments in place. Every shop held one which was accessible to the licensing officer on request. These forms included consideration of local environment, proximity to other premises such as schools and public houses and in main showed a compliance with the Statement of Principles.
- 6.7 Furthermore an officer attended a meeting with four other Welsh Counties as well as an officer from the Gambling Commission to discuss the review of the policy. The general principles were the same and minimum changes were agreed.

Outcome

- 6.8 Only one representation was received during the consultation process which required amendment to the draft policy, from the Bingo Association, which highlighted a change in legislation from the previous Statement of Principles in relation to gaming machines. This has now

been implemented following reference to Gambling Commission information [Section 20 of SoP].

- 6.9 Generic literature was received from 'Gamcare' highlighting risks such as location of premises, layout, surrounding area, and consideration of vulnerable people. These risks are already considered within the document.
- 6.10 Responses received from Gambling Commission and the Police stated they were happy with the document.
- 6.11 Many consultees did not respond which has been taken as no representation. In the unlikely event of future representation being received, consideration will be given to comments made and whether further amendments are required.
- 6.12 The questionnaire was completed by two respondents who remained anonymous. The one observation from the response was the statement '*The impact that gambling can have in relation to domestic abuse and adverse childhood experiences. Also poverty...*'. The location of concern was provided as Hirwaun. These responses will be explored through licensing enforcement and inspections of the Gambling premises within the area. The concerns should not have a bearing on amendments to the Statement of Principle, but should highlight the need for compliance checks to be conducted.

7. FINANCIAL IMPLICATION(S)

- 7.1 There are no financial implications.

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 Section 349 of the Gambling Act 2005 dictates that a Licensing Authority, here being Rhondda Cynon Taf County Borough Council, 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.
- 8.2 Failure to prepare a statement of principles and publish it at least 4 weeks before 31st January 2019 will result in Rhondda Cynon Taf County Borough Council failing to exercise their Statutory functions.

9. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

- 9.1 Gambling is a widespread and socially acceptable activity in the UK. While most people who participate in gambling activities do so without any significant problems, for others gambling is problematic, causing damage to their health and to wider society.
- 9.2 The Chief Medical Officer for Wales, in his annual report 2016/17, indicated that in Wales 1.1% of the population (30,000 people) self reported as having a problem with gambling. A further 3.8% of people in Wales are estimated to be at risk of problem gambling.
- 9.3 Gambling is an emerging public health issue in Wales.
- 9.4 This Policy will help to achieve a transparent and cohesive approach by all gambling premises within Rhondda Cynon Taf and those responsible for the safe and effective management of those premises.
- 9.5 A key focus within the policy is the intention for betting establishments to give careful consideration to applications for premises located near schools or other venues frequented by children and young adults, as well as licensed premises selling alcohol and religious buildings. Each premise must compile a local area risk assessment and review these continuously.
- 9.6 These considerations within the Policy clearly contribute to delivering the Council's priority for improving health and supporting residents within the community.
- 9.7 Keeping children safe from harm is not just a local priority but a significant national concern. This policy assists in working towards this which in turn promotes the Well-being of Future Generations Act.

10. CONCLUSION

- 10.1 Having considered the highly regulated nature of the gambling trade in Rhondda Cynon Taf, together with the relatively minor changes to legislation in the preceding 3 years, the current Statement of Principles continues to be fit for purpose, requiring only minor amendment.
- 10.2 The amendments are reflected in the Draft Statement of Principles attached (**Appendix 1**) and it is proposed that this be accepted as the Statement of Principles for the forthcoming period 31st January 2019 – 2021.

Other Information:-

Relevant Scrutiny Committee: *Public Service Delivery, Prosperity & Communities Scrutiny Committee. (Crime & Disorder)*

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Background Papers

Gambling Act 2015

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