

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Gambling Act Statement of Principles 2013		
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Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	Y	
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	Y Y Y	

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>The Gambling Act Statement of Principles 2013 replaces the current 2010 document, as required by statute. There are very few alterations. The main purpose is to set out a framework which includes the principles by which Torbay Council will exercise its functions under the Gambling Act 2005.</p> <p>The nationally set objectives are</p> <ul style="list-style-type: none"> a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. b) Ensuring that gambling is conducted in a fair and open way. c) Protecting children and other vulnerable persons from being harmed or exploited by gambling. <p>All decisions are based upon these three Licensing Objectives.</p>
2.	Who is intended to benefit / who will be affected?	<p>The general public. The business community. Other customers, internal and external including Councillors, Police, Fire, Gambling Commission, and other Council Departments.</p>
3.	What is the intended outcome?	<p>To comply with the legislation and to provide a framework within which applicants, responsible authorities (as designated in the Act) and members of the public can operate or object to applications or current operations as determined by the Gambling Act 2005.</p>

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>The Gambling Act prescribes the processes to be followed and the framework within which objections can be made and the operations can be undertaken. The purpose of the policy is not to set out other matters.</p> <p>There are 53 Premises Licences granted which make up the 41 premises licensed for gambling, which 20 Betting Shops, 13 Arcades, 7 Bingo establishments and one Casino. In addition there are 210 pubs and 26 social clubs which are permitted for adult gaming machines and another 22 premises that have permits to provide the lowest category of gaming machine, which can be played by any age group.</p>

No	Question	Details
5.	How have you consulted on the proposal?	<p>The draft Statement of Principles' was consulted with the following:</p> <ul style="list-style-type: none"> a) Residents and businesses of Torbay b) Bodies representing existing gambling businesses in Torbay c) The Chief Officer of Devon and Cornwall Constabulary d) The Chief Officer of Devon and Somerset Fire and Rescue Service e) Torbay & Southern Devon Health & Care NHS Trust and Local Health Providers f) Torbay Safeguarding Children Board g) Torbay Council : Planning, Community Safety and Highways Authorities h) Safer Communities Torbay i) Facilities in Torbay assisting vulnerable persons j) Faith groups; via Torbay Interfaith Forum and the Street Pastors k) Torbay Town Centres Company l) Brixham Town Council m) English Riviera Tourism Company n) Economic Development Company
6.	Outline the key findings	<p>There were three responses to the consultation though only one that commented that being from Adult Safeguarding and their recommendations were included within the finalised document. The other two which provided no comments were Economic Development Company and the Police.</p>
7.	What amendments may be required as a result of the consultation?	<p>The recommended wording from Adult Safeguarding was included in the final document. This was to include a definition of what a vulnerable person is considered to be in Torbay.</p> <p>'An individual or family will be seen as vulnerable where there are concerns about their health or social welfare and where these concerns have been identified as placing them at risk of harm or exploitation.'</p>

Positive and Negative Equality Impacts

No	Question	Details		
8.	Identify the potential positive and negative impacts on specific groups	The policy is applied equally to all groups and no group should be adversely affected either positively or negatively unless expanded upon below. The policy addresses the processes for applications and representations against those applications which are equally applied to all.		
		Positive Impact	Negative Impact	Neutral Impact
	All groups in society generally	Premises must legally have schemes of self exclusion and monitor those who gamble regularly, but the effectiveness of these is probably variable and to some extent limited. Details of support services for gambling addiction are included on machines and paperwork at premises.	<p>The only group that might be affected negatively is those who develop addictions to gambling and do not have the ability to control or manage those addictions (mental health). A definition of what a vulnerable person is, was never agreed nationally (see the licensing objectives above) after a national consultation and therefore no group could be established to represent them. This is no doubt a weakness within the Act, but the legislative controls do not appear to address this weakness and no case law has been established either.</p> <p>Adult Safeguarding is not a statutory consultee in the process. The expertise to address mental health issues associated with gambling addiction arguably falls to the professionals within Adult Safeguarding industry probably at a national level.</p>	
	Older or younger people	The law excludes under 18's from most activities so the impact should be	In the latest survey in 2010, there is a marked association between problem	

No	Question	Details	
		positive.	gambling prevalence and age. The highest rates were observed among younger adults aged 16-24 (2.1%) and those aged 25-34 (1.5%) and the lowest rates were observed among older adults (0.3% among those aged 55-64 and 0.2% of those aged 65 and over).
	People with caring responsibilities		X There is no impact on People with caring responsibilities with regard to this decision.
	People with a disability		X Although there is no impact on People with a disability; please note the contents about all groups in society above which may apply in some cases..
	Women or men		X There is no impact on women or men with regard to this decision In the latest survey in 2010, the figures show problem gambling prevalence in men of 1.5% and in females of 0.3%. There are other socio-demographic characteristics which are available on the link below. http://www.gamblingcommission.gov.uk/PDF/British%20Gambling%20Prevalence%20Survey%202010.pdf
	People who are black or from a minority ethnic background (BME)		X There is no impact on People from a BME background with regard to this decision
	Religion or belief (including lack of belief)		X There is no impact on People who have religion or belief with regard to this decision
	People who are lesbian, gay or bisexual		X There is no impact on People who are lesbian, gay or bisexual with regard to this decision

No	Question	Details	
	People who are transgendered		X There is no impact on People who are transgendered with regard to this decision
	People who are in a marriage or civil partnership		X There is no impact on People who are in a marriage or civil partnership with regard to this decision
	Women who are pregnant / on maternity leave		X There is no impact on women who are pregnant or on maternity leave with regard to this decision
9.	Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?	<p>Premises must legally have schemes of self exclusion and monitor those who gamble regularly. Details of support services for gambling addiction are included on machines and paperwork at premises.</p> <p>The only potential proposal would be to include all applications to Adult Safeguarding, but it would be for them to decide if that was useful and appropriate. The Licensing Officers view is this is a national issue due to the prescriptive nature of the legislation.</p>	

Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	Summarise any positive impacts and how they will be realised most effectively?	Exclusion of under 18 from most premises and the opportunity for every person in Torbay to express their concerns about any application providing it's within the legal framework.
11.	Summarise any negative impacts and how these will be managed?	<p>See Point 8 above. Discussions will be held with Adult Safeguarding as to the value of them receiving applications.</p> <p>The only group that might be affected negatively is those who develop addictions to gambling and do not have the ability to</p>

		<p>control or manage those addictions (mental health). A definition of what a vulnerable person is, was never agreed nationally (see the licensing objectives above) after a national consultation and therefore no group could be established to represent them. This is no doubt a weakness within the Act, but the legislative controls do not appear to address this weakness and no case law has been established either.</p> <p>Adult Safeguarding is not a statutory consultee in the process. The expertise to address mental health issues associated with gambling addiction arguably falls to the professionals within Adult Safeguarding industry probably at a national level.</p>
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Section 4: Course of Action

No	Action	Details
12.	<p>State a course of action</p> <p>[please refer to action after section 5]</p>	<p><i>Where:</i> -</p> <p>Outcome 2: Adjustments to remove barriers – There is a risk to vulnerable individuals. Although the legislation is very prescriptive liaison will take place with adult Safeguarding to see of any more can be done</p>

Section 5: Monitoring and Action Plan

No	Action	Details
13.	<p>Outline plans to monitor the actual impact of your proposals</p>	<p>There are national statistics on the prevalence of gambling however these do not include a mechanism to monitor the impact on the vulnerable.</p>

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Speak with Adult Safeguarding about the Licensing Objective	To see if opportunity to help the vulnerable	None	Mandy Guy	30 th January 2013
2					