

STATEMENT OF GAMBLING POLICY CONSULTATION

Committee name	Licensing Committee
Officer reporting	Daniel Ferrer, Place Directorate
Papers with report	Overview of proposed policy changes - Appendix A Draft Statement of Gambling Policy - Appendix B Equality Impact Assessment - Appendix C
Ward	All

HEADLINES

This report is to consult with and invite comments from the Committee on the updated draft Statement of Gambling Policy out for consultation. This Policy is deemed as 'Policy Framework' under the Council's constitution and so requires the ultimate approval by full Council.

RECOMMENDATION:

That the Committee considers the revisions to the Statement of Gambling Policy and offers comments to be considered by Cabinet at the end of the consultation period.

SUPPORTING INFORMATION

The Council is required to review its Statement of Gambling Policy at regular intervals to ensure it is carrying out licensing functions in accordance with current legislation. During this review, consideration has been given to how changes might improve the way in which services are being delivered, to make them more efficient and customer friendly.

A draft Policy has been produced which now needs to be consulted upon, prior to final consideration by Cabinet or adoption by full Council.

The Gambling Act 2005 sets out how gambling in Great Britain is regulated. It came fully into force in September 2007, and covers arcades, betting shops, bingo premises, casinos, gaming machines, society lotteries, and remote gambling (including online gambling). It also created and set the functions and objectives of the Gambling Commission as the principal regulator. The Council is required to review the Statement of Gambling Policy every three years. The current policy was last formally reviewed in 2019 and therefore requires updating and adopting.

In the intervening time there have been only minor changes to legislation and guidance and as such there are very few changes proposed to this policy. This has been incorporated into the revised policy.

Relevant appendices are:

- An overview document detailing the proposed changes is attached at **Appendix A**.

- The draft Statement of Gambling Policy attached at **Appendix B**
- Equality Impact Assessment at **Appendix C**

The proposed timetable for policy implementation is set out below:

1 st September 2022	Draft Policy to Cabinet (approved for consultation)
12 th September 2022	Consultation period starts (including all statutory consultees)
4 th October 2022	Licensing Committee comments
17 th October 2022	Residents Services Select Committee comments
24 nd October 2022	Consultation period ends
15 th December 2022	Final policy to Cabinet post-consultation
12 th January 2023	Statement of Gambling Policy adopted at Full Council.

Implications on related Council policies

The proposed Statement of Gambling Policy is a policy framework document under the Council's Constitution. As such, Cabinet is required to approve them in draft form with a timetable to include a period of formal consultation (minimum 6 weeks), to include Licensing Committee and the Resident's Services Select Committee. Cabinet will then consider the responses of the consultation before deciding whether or not to recommend them to full Council for adoption.

The Licensing Committee may make recommendations on changes to this Policy to the Cabinet.

How this report benefits Hillingdon residents

The regular review and adoption of the Statement of Gambling Policy ensures that the licensing framework are up to date and effective in ensuring a safe and regulated environment for users of licensed premises. It will also ensure that there are methods for robust enforcement and review of problem licensed premises.

Financial Implications

Corporate Finance has reviewed the report and confirms that there are no financial implications arising from the recommendations in this report.

Legal Implications

Legal Services confirm that the legal implications are included in the report. Further, more detailed legal advice will be given as necessary when the outcome of the Consultation is reported back to Cabinet.

BACKGROUND PAPERS

- [Current Statement of Gambling Policy](#)
- [Gambling Commission - Guidance to Licensing Authorities last updated May 2021](#)
- [Gambling Commission – Licence Conditions & Codes of Practice last updated Oct 2020](#)
- [Policy Paper – Review of the Gambling Act 2005 Terms of Reference and Call for Evidence, published December 2020](#)
- [Gambling Act 2005](#)

Appendix A - Overview of proposed policy changes

Draft Statement of Gambling Policy

The Council is required by the Gambling Act 2005 to review the Statement of Gambling Policy every three years. The current policy was last formally reviewed in 2019 and therefore requires updating and adopting in 2022.

In the intervening time there have been only minor changes to legislation and as such there are very few changes proposed to this policy.

The current policy works well and acts as a valuable framework for ensuring the principles of the legislation are upheld.

Policy amendments are shown at Appendix B ~~underlined/strike through~~ and an overview of those that are material in nature are set out below:

- Front page – Effective dates amended
- Para 1.1, Line 6 “a” inserted before “Licensing Authority
- Para 1.3, bullet point 1. Addition of full name and section of current codes of practice.
- Para 1.4 added – to provide more detail of the effect of the statutory aim to permit gambling
- Para 1.9 added to provide detail on duration of Policy and any Review during this period.
- Para 1.12 – updated consultation dates.
- Old Para 1.12 – removal of word “and” in Declaration section.
- Para 1.15 – Deleting of “Regulatory Service” and amended to read “Licensing”
- Para 1.42 to 1.44 – new “Partnership Working” section added.
- Para 1.46(iii) – added to take into account any guidance issued by the Better Regulation Executive
- Para 1.48 – Added to be consistent with Government guidance re. test purchases
- Para 1.49 - Added to be consistent with Government guidance re. test purchases
- Para 1.51 – Added to clarify that enforcement will be carried out by authorised officers.
- Para 1.52 and 1.53 – Added to detail various enforcement policies.
- Old para 1.48 - Deleted
- Para 1.56 to 1.58 – Added new section re. the Equality Duty
- Para 1.59 & 1.60 – Added new section re. Modern Day Slavery
- Para 1.61 & 1.62 – Added new section re. Primary Authority scheme
- Para 1.63 – Added para re. Advertising of Gambling
- Para 1.64 – Added new section re. Human Rights Act
- Para 4.1 – amending of date
- Para 4.4 – Deletion of last sentence. No longer needed.
- Para 5.5 – 1st line, “the” deleted.
- Para 5.5 (i) & (ii) – amended to name specific codes and guidance.

- Para 5.7 – amended to recommend that all relevant British Amusement Catering Trade Association (BACTA) guidance is followed.
- Para 5.8 – Deleted as now covered by amended 5.7
- Para 5.9 – Deleted as now covered by amended 5.7
- Para 5.10 – grammar correction at line 2. “machine” amended to “machines”
- Para 5.40 – Amendment for correct page number for list of categories for gaming machines. Page number to be confirmed.
- Para 5.47 - Amendment for correct page number for list of categories for gaming machines. Page number to be confirmed.
- Para 5.64 - Amendment for correct page number for list of categories for gaming machines. Page number to be confirmed.
- Annex B – updated contacted details for the Responsible Authorities
- Annex C – Delegations, these are amended to reflect the same wording approved in the remodelled Council Constitution adopted in May 2022.
- Annex D – Amended to clarify process for ‘call-in’ of applications and representations from Ward Councillors to indicate how it adversely affects the 4 licensing objectives under the Gambling Act. This will also make it consistent with the wording for any call-in of an application under the Licensing Act 2003. Subject to full Council approval of the Policy it will also be requested to update this in the relevant part of the Council Constitution.

Page and paragraph numbers will be updated on the final policy document.