

# STATEMENT OF GAMBLING POLICY 2019-2022

*Reporting Officer: Head of Democratic Services*

## **Summary**

At the meeting on 24 October 2019 Cabinet recommended to Council the adoption of an updated Statement of Gambling Policy. This version includes minor changes arising from Gambling Act legislation that have occurred since the last review. The draft policy also incorporates suggestions put forward through the statutory consultation process. This report, therefore, seeks Council's agreement to adopt the updated Policy, as one of the Council's policy framework documents.

**RECOMMENDED: That the Statement of Gambling Policy 2019-2022 be approved.**

## **SUPPORTING INFORMATION**

During 2019, a review and consultation on the Council's Statement of Gambling Policy was undertaken. The updated Policy continues to provide the Council with a local licensing framework that is up-to-date and effective in ensuring a safe and regulated environment for service users of gambling establishments. It also ensures that there are methods for robust enforcement and review of problem gambling premises. Consultees on the policy included elected Members, gambling trade representatives, Responsible Authorities, neighbouring local authorities, local residents associations and community groups, licensing solicitors and licensed premises.

The updated Policy for adoption is available to view in Group Offices and on the Council's website. The Cabinet report, accompanying this Council report, sets out the background and rationale for the document's adoption arising from the review and consultation process.

## **Financial Implications**

The costs to the Council of implementing the Statement of Gambling Policy are met from gambling licence fees and contained within the existing revenue budgets. The Council's Licensing Service is able to recover costs through fees and charges relating to gambling licences. The rates of Gambling Licences are defined by statute.

## **Legal Implications**

The consultation process followed by the Council has complied with section 349 of the Licensing Act 2003 and the Licensing Authority Policy Statement (England and Wales) Regulations 2006. There are no legal impediments to Full Council agreeing the recommendation set out in the report.

Background Papers: The Gambling Act 2005; Gambling Commission Guidance to Local Authorities

### STATEMENT OF GAMBLING POLICY (TO RECOMMEND TO COUNCIL)

<b>Cabinet Member(s)</b>	Councillor Douglas Mills
<b>Cabinet Portfolio(s)</b>	Community, Commerce & Regeneration
<b>Officer Contact(s)</b>	Stephanie Waterford, Residents Services
<b>Papers with report</b>	Appendix A - Officer proposed changes to the Policy Appendix B - Draft 2019 Gambling Policy

### HEADLINES

<b>Summary</b>	<p>To seek Cabinet's approval of the draft Statement of Gambling Principles prior to adoption by Full Council on the 21st November 2019.</p> <p>This Policy is deemed as 'Policy Framework' under the Council's constitution and so requires full approval by Cabinet and full Council.</p>
<b>Putting our Residents First</b>	<p>This report supports the following Council objectives of: <i>Our People; Our Natural Environment; Our Built Environment; Our Heritage and Civic Pride.</i></p>
<b>Financial Cost</b>	<p>There are no additional costs arising from the proposed changes to the Statement of Gambling Principles.</p>
<b>Relevant Policy Overview Committee</b>	Residents, Education & Environmental Services
<b>Relevant Ward(s)</b>	All

### RECOMMENDATIONS

That Cabinet:

1. Considers the comments and proposed changes to the Policy arising from the statutory consultation as set out in this report and;
2. Recommends the updated Statement of Gambling Policy to full Council for adoption.

## **Reasons for recommendation**

Under licensing legislation, Cabinet must approve the draft statement of gambling principles before it is submitted to full Council for adoption.

The amendments reflect changes to Gambling Act legislation that have occurred since the last review of local policy. The draft policy also incorporates suggestions put forward through the statutory consultation process.

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

## **Alternative options considered / risk management**

The Gambling Act 2005 requires the Council, as the Licensing Authority, to publish a statement of gambling principles, every 3 years. The Policy forms part of the Council's Policy Framework.

## **Democratic compliance / previous authority**

The draft statement of Gambling Policy is before the Cabinet to seek approval to put forward to full Council. The Council is obliged under gambling legislation to have a working Gambling Statement of Principles reviewed every three years.

## **Policy Overview Committee comments**

The Residents, Education and Environmental Services Policy Overview Committee considered the report on 18th July 2019 and made no formal comments to Cabinet.

## **SUPPORTING INFORMATION**

The Gambling Act 2005 requires the Council, as the Licensing Authority, to have in place a Statement of Gambling Principles (Gambling Policy). The Gambling Act 2005 regulates gambling activity such as betting shops, bingo halls and gaming machines. This legislation requires the Licensing Authority to promote the three prime licensing objectives under the Gambling Act 2005:

- 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 and;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Statement of Gambling Principles will, therefore, have an impact on local residents, service users, local businesses and communities.

The Council is required to review its gambling policy at regular intervals to ensure that 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.

There has been little change to gambling legislation since 2016, therefore very few changes are proposed to the policy. Should substantial changes to legislation occur, the Council may review the Gambling Policy at any time.

### **The timetable for policy implementation**

20 <sup>th</sup> June 2019	Draft Policy to Cabinet and approved for consultation
27 <sup>th</sup> June 2019	Consultation period started
11 <sup>th</sup> July 2019	Licensing Committee consulted
18 <sup>th</sup> July 2019	Residents Education & Environmental Services POC consulted
8 <sup>th</sup> August 2019	Consultation period ended
24 <sup>th</sup> October 2019	Final draft policy to Cabinet post-consultation
21 <sup>st</sup> November 2019	Statement of Gambling Policy considered and adopted at Full Council, subject to Cabinet recommending

Cabinet on 20 June 2019 agreed a revised policy for statutory consultation which incorporated minor amendments, primarily relating to legislation as set out in **Appendix A**.

Responses to the consultation are detailed later in this report. Two representations were received.

**Appendix B** sets out the final revised version for Cabinet to consider and recommend to full Council to adopt.

### **Financial Implications**

The costs to the Council of implementing the Statement of Gambling Principles are met from gambling licence fees and contained within the existing revenue budgets. Hillingdon Council's Licensing Service is able to recover costs through fees and charges relating to gambling licences. The rates of Gambling Licences are defined by statute.

## **RESIDENT BENEFIT & CONSULTATION**

### **Consultation carried out or required**

Full consultation on the minor amendments to the policy was carried out between 27th June to 8th August 2019. Consultees included:

- Licensing Committee / Elected Members
- Gambling trade representatives
- Responsible Authorities
- Neighbouring local authorities
- Local residents associations and local community groups
- Licensing Solicitors
- Licensed premises

The Licensing Committee met on 11 July 2019 and noted that the changes proposed were minor and mainly reflected updated legislation. The Committee resolved to support the revisions to the Statement of Gambling Policy proposed by Cabinet.

The Residents, Education and Environmental Services Policy Overview Committee considered the report on 18th July 2019 and made no formal comments to Cabinet.

During the statutory consultation period two formal representations were received. The first representation was from industry operator, Novomatic who are prominent in the gaming technology and gaming machine sector. Novomatic raise a number of suggestions which are summarised in the table below;

Section	Proposed amendment	Included in the final policy?
Para 1.42 - 1.48	In matters of regulation under the Gambling Act 2005, enforcement actions are subject to the Regulators' Code. We suggest that the Draft makes it clear that the Code applies to the Authority's activities generally under the Act.	Yes, included at Para 1.48
Para 2.14	As the Draft acknowledges, there are instances where it is perfectly lawful for children to gamble - i.e. on Category D machines. We suggest that this paragraph is therefore amended to insert " where they are not legally permitted to participate" after "gambling" in the second line.	Yes
Paras 2.18, 2.21 and 2.22:	There is no legal prohibition on gambling being in sight of children - in the same way that there is no such prohibition on children having sight of alcohol in the supermarket or seeing people drink alcohol in a café, pub or restaurant. Issues of siting machines might be something that is dealt with in a Local Risk Assessment (LRA) if relevant in a particular site. Indeed in relation to 2.22, many planning authorities are asking that the inside of gambling establishments are visible from the outside.	No - the wording of the policy is intended to safeguard children from being exposed to adult gambling facilities in premises where children may be present i.e. pubs, restaurants etc. The siting of gaming machines is considered carefully for each application and adequate safeguards are applied.
Para 2.24	We suggest it would be helpful to refer here to the Local Risk Assessment. The proximity of the premises referred to would not in themselves prevent the grant of a premises licence, provided that any identified risks are adequately mitigated. Furthermore, with respect, as acknowledged at Para 5.6, moral objections to gambling are not relevant to an application for a premises licence. As such, the reference to places of worship is not appropriate, save if children are congregating there.	Yes, Para 2.24 has been amended to include reference to Local Risk Assessments and reference to 'places of worship' has been removed
Paras 5.15 and 5.16	An applicant may apply for a provisional statement if the building is not complete, but it does not have to do so and can instead apply for a licence. As such, we suggest that the wording of these paras be amended to make it clear that applications for premises licences can be made and granted	Yes, amendments incorporated in Para 5.15.

Paras 5.35 and 5.45:	We note that the list of possible measures/conditions set out for AGCs [Adult Gaming Centres] at Para 5.62 is not repeated for Bingo or Betting premises, despite the fact that such premises provide access to gaming machines as well as other activities, where stakes/prizes can be at least as great as in AGCs. The same issues apply. We suggest that these unjustified inconsistencies be remedied.	Yes, measures and conditions contained in Para. 5.62 are replicated in 5.36 and 5.49
Para 5.48:	We believe that this paragraph was intended to deal with premises with an alcohol licence with gaming machines (not betting machines) and not betting premises - where alcohol is not permitted.	Yes - 'betting' removed and 'gaming' inserted.

The second consultation response was received from GamCare who are a charity providing services for those persons negatively affected by Gambling services. Whilst the response did not offer specific suggestions, this consultation response offered some considerations about general safeguarding measures, the majority of which are contained within the main policy document. As a result, a new paragraph 2.17 has been proposed and inserted into the Policy:

*'2.17 Gambling operators will be expected to demonstrate that they have adequate training and staffing procedures in place to ensure that vulnerable persons are protected from gambling related harm. Staff working at gambling premises will also need to be aware of challenges present in the local area and vicinity of the licensed premises which may impact on the protection of children and vulnerable persons.'*

## CORPORATE CONSIDERATIONS

### Corporate Finance

Corporate Finance has reviewed the recommendations to this report and concurs with the financial implications as set out above, noting that costs associated with this report will be contained within the existing revenue budgets.

### Legal

The Borough Solicitor confirms that the consultation process followed by the Council has complied with section 349 of the Licensing Act 2003 and the Licensing Authority Policy Statement (England and Wales) Regulations 2006. There are no legal impediments to Cabinet agreeing the recommendations set out in the report.

## BACKGROUND PAPERS

The Gambling Act 2005  
Gambling Commission Guidance to Local Authorities