

# REVIEW OF STATEMENT OF GAMBLING POLICY

<b>Cabinet Member(s)</b>	Councillor Eddie Lavery
<b>Cabinet Portfolio(s)</b>	Residents' Services
<b>Officer Contact(s)</b>	Daniel Ferrer, Licensing
<b>Papers with report</b>	Appendix A - Listing of proposed policy changes Appendix B - Draft Statement of Gambling Policy Appendix C - Equality Impact Assessment

## 1.0 HEADLINE INFORMATION

<b>Summary</b>	<p>The Council's Statement of Gambling Policy is being reviewed in accordance with legislative requirements and the Council's objectives.</p> <p>This report seeks Cabinet approval to undertake a six-week public consultation on the updated draft of this Policy.</p> <p>The Statement of Gambling Policy is deemed as 'Policy Framework' under the Council's Constitution and so requires approval by full Council.</p>
<b>Putting our Residents First</b>  <b>Delivering on the Council Strategy 2022-2026</b>	<p>This report supports our ambition for residents/the Council of: An efficient, well-run, digital-enabled council working with partners to deliver services to improve the lives of all our residents</p> <p>This report supports our commitments to residents of: Modern, Well-Run Council</p>
<b>Financial Cost</b>	The resources required for the consultation will be managed within existing revenue budgets.
<b>Relevant Select Committee</b>	Residents' Services Select Committee.
<b>Relevant Ward(s)</b>	All

## 2.0 RECOMMENDATIONS

### 2.1 That the Cabinet:

- a) Agrees to a public consultation for the draft Statement of Gambling Policy to take place between 13<sup>th</sup> September 2024 and 25<sup>th</sup> October 2024.
- b) Notes that a further report will be submitted to Cabinet, post consultation, highlighting any consultation responses for Cabinet to consider for inclusion in the final policies.
- c) Notes that the Statement of Gambling Policy is then required to be referred to the full Council for adoption as a policy framework document.

#### Reasons for recommendation

- 2.2 The review of the Statement of Gambling Policy and the accompanying consultation support effective and efficient delivery of licensing functions, in accordance with legislation and the Council's objectives and allow for stakeholder views to be taken into account.

#### Alternative options considered/risk management

- 2.3 To not review the Policy nor undertake a consultation. If the policy was not reviewed and consulted on as required, then the Council would not meet its statutory obligations in this respect and legal challenges may follow.

#### Select Committee comments

- 2.4 None at this stage, though comments will be sought during the consultation process.

## 3.0 SUPPORTING INFORMATION

- 3.1 The Council is required to review its Statement of Gambling Policy at regular intervals to ensure that it is carrying out licensing functions in accordance with current legislation.
- 3.2 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.
- 3.3 An updated Statement of Gambling Policy has been produced with relatively minor changes. This Policy now needs to be consulted upon, prior to final consideration by the Cabinet for recommendation to the full Council. An overview of this Policy and the reasons behind the review are detailed below.

## **Statement of Gambling Policy**

- 3.4 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 2022 and therefore requires updating and adopting in 2025.
- 3.5 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. The changes proposed in the revised policy are largely administrative and to aid clarity. No substantive change of Council policy is proposed. Where changes are required to reflect changes to the relevant legislation and guidance, these have been incorporated into the revised policy. The proposed changes are listed in Appendix A in detail and within the updated Policy in Appendix B in track changes, but in summary they relate to:
- Sentence Structure: Improved in various paragraphs.
  - Terminology Updates: Words like “empowered” replaced with “authorised”, “not complied with” replaced with “breached”.
  - Additions: New sentences and sections added, such as Representations, Direct Marketing, and Duty to Protect/Martyn’s Law.
  - Authority References: “Council” replaced with “Licensing Authority”
  - Guidance Inclusions: New paragraphs added for ‘Think 25’ guidance and Appeals section.
  - Equality Act: Added reference to the Equality Act 2010 and the Public Sector Equality Duty.
  - Contact Details: Updated in Annex B for Responsible Authorities.

An equalities impact assessment has also been undertaken.

3.6 Relevant appendices are:

- Appendix A - Listing of proposed policy changes
- Appendix B - Draft Statement of Gambling Policy
- Appendix C - Equality Impact Assessment

## **Financial Implications**

- 3.7 The consultation on the draft policy has no direct financial implications. There have been no legislative changes to the set licensing fees for Gambling licence applications. The fees remain statutory and have not been amended since the Gambling Act was brought into force in September 2007. Resourcing for the consultation process can be managed within existing revenue budgets.

## The timetable for policy implementation (as a policy framework document)

12 <sup>th</sup> September 2024	Draft Policy to Cabinet for consultation
13 <sup>th</sup> September 2024	Consultation period started
24 <sup>th</sup> September 2024	Residents' Services Select Committee
9 <sup>th</sup> October 2024	Licensing Committee consulted
25 <sup>th</sup> October 2024	Consultation period ended
12 <sup>th</sup> December 2024	Final draft policy to Cabinet post-consultation to recommend
16 <sup>th</sup> January 2025	Statement of Gambling Policy considered and, if agreed, adopted at Full Council, subject to Cabinet recommendation

## 4.0 RESIDENT BENEFIT & CONSULTATION

- 4.1 The recommendations will give residents and businesses the opportunity to provide feedback to the Council on the proposed policy through the consultation process.
- 4.2 This report requests Cabinet approval for a public consultation on the policy. Following approval by Cabinet, the policy may be considered by the Licensing Committee, sub-committees of which make licensing decisions with reference to the policy.
- 4.3 As a policy framework document, the Residents' Services Select Committee will have the opportunity to submit comments on the policy prior to resubmission to Cabinet for consideration of responses received.
- 4.4 The draft policy will be sent to statutory consultees, Members of the Authority and any person on request. The draft policy will also be displayed on the Council's website. It is anticipated that Cabinet will be advised of the outcome of the consultations and presented with proposed final drafts of the policies at the scheduled meeting of 12<sup>th</sup> December 2024.

## CORPORATE CONSIDERATIONS

### Corporate Finance

Corporate Finance has reviewed this report and concurs with the Financial Implications set out above, noting there are no direct financial implications associated with the recommendations of the report.

### Legal

Legal Services confirm that there are no specific legal implications arising at the current time. Further, more detailed legal advice will be given as necessary once the outcome of the consultation is known.

## BACKGROUND PAPERS

- Current Statement of Gambling Policy
- Gambling Commission - Guidance to Licensing Authorities last updated April 2023
- Gambling Commission – Licence Conditions & Codes of Practice last updated April 2024
- Gambling Act 2005
- Summer 2023 Consultation – proposed changes to LCCP and RTS:
- High Stakes: Gambling Reform for the Digital Age, April 2023

## 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 2022 and therefore requires updating and adopting in 2025.

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.

The detailed policy amendments are shown at Appendix B (the draft revised policy) in **bold underlined for new text** and ~~strikethrough for deleted text~~:

- Front page – Effective dates amended.
- Para 1.1, Line 4 – amended to improve sentence structure.
- Para 1.1, Line 7 – “empowered” replaced by “authorised”.
- Para 1.1, Line 9 – New sentence after “committed” and “or” replaced with “This includes...”
- Para 1.1, Line 10 – “not complied with” replaced with “breached”.
- Para 1.1, Line 11 – “and the promotion of the Licensing Objectives under the Act” added.
- Para 1.2 – “we” replaced by “the Licensing Authority”.
- Para 1.3 – “We are” replaced with “the Licensing Authority is”.
- Para 1.5 – “us” replaced with “the Licensing Authority”.
- Para 1.6 – “application or” formatted correctly
- Para 1.8 – “decision making” corrected to “decision-making”
- Para 1.9, Line 2 – “Authority” added after “Licensing” and at line 3 “three year” amended to “three-year”
- Para 1.12 – Relevant consultation dates added.
- Para 1.17 – “Council” replaced by “Licensing Authority”.
- Para 1.37 – new section regarding Representations and details what is a ‘relevant’ representation.
- Para 1.39 – “the” added before “Licensing Authority”.
- Para 1.50 – “The Licensing Authority” added.
- Para 1.53 – “Licensing Authority” added.
- Para 1.66 – New “Direct Marketing” section added
- Paras 1.68 & 1.69 – New section to consider Duty to Protect/Martyn’s Law which is due to come into force.
- Para 2.11 – Line 1, “Race Tracks” amended to “racetracks”. Line 8, “off course” amended to “off-course”. Para 2.12 – “Apart” to correct “part”.
- Para 2.23 – Line 4, “under age” amended to “underage”.

- Para 5.2 – “people” amended to “persons including companies”.
- Para 5.3 – New para referring to where fees can be viewed
- Para 5.6 – “Hillingdon Council” replaced by “Licensing Authority”.
- Para 5.8 – “s” added to recommends and paragraph amended to improve sentence structure
- Para 5.9 – “s” added to “premises” and capitals used for “Licensing Authority”
- Para 5.12 – “Council” replaced by “Licensing Authority”.
- Para 5.17 – “Council” replaced by “Licensing Authority”.
- Para 5.42 - New para added to include ‘Think 25’ guidance
- Para 5.45 – “is suspicious” amended to “has concerns”.
- Para 5.49 – New para added to include ‘Think 25’ guidance.
- Para 5.51 - “Council” replaced by “Licensing Authority”.
- Para 5.52 - “Council” replaced by “Licensing Authority” and “the” added before “licensing objectives”.
- Para 5.62 & 5.63 - Capital “L” and capital “A” to amend “licensing authority”.
- Para 5.65 – “Adult Gaming Centre” added to correct formatting.
- Para 5.66– New para added to include ‘Think 25’ guidance
- Para 5.72 - New para added to include ‘Think 25’ guidance
- Paras 5.84 to 5.88, new ‘Appeals’ section added.
- Para 7.1 – “as regards” amended to “regarding”.
- Para 7.6 – “email” amended to “E-mail”.
- Para 9.4 – “the Equality Act 2010 and the Public Sector Equality Duty” added.
- Annex B – updated contacted details for the Responsible Authorities

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