

# STATEMENT OF GAMBLING POLICY

<b>Cabinet Member &amp; Portfolio</b>	Councillor Eddie Lavery, Cabinet Member for Community and Environment
<b>Responsible Officer</b>	Dan Kennedy, Corporate Director of Homes & Communities
<b>Report Author &amp; Directorate</b>	Daniel Ferrer, Licensing Team Manager Homes & Communities
<b>Papers with report</b>	Appendix A – Proposed Statement of Gambling Policy ( <b>circulated separately</b> ) Appendix B - Equalities Impact Assessment

## HEADLINES

<b>Summary</b>	The Council is obliged under s.349 Gambling Act 2005 to publish its Statement of Principles (Statement of Gambling Policy) to be applied when exercising various functions under the Act. The policy has been reviewed following consultation and in line with the Council's objectives. This report seeks a recommendation to be made to full Council for the adoption of the updated Statement of Gambling Policy for 2025-2028 which is a Policy Framework document.
<b>Putting our Residents First</b>  <b>Delivering on the Council Strategy 2022-2026</b>	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  This report supports our commitments to residents of: Modern, Well-Run Council
<b>Financial Cost</b>	There are no financial implications anticipated in relation to the recommendation to this report.
<b>Select Committee</b>	Residents' Services Select Committee.
<b>Ward(s)</b>	All

## RECOMMENDATION

**That Cabinet, following consideration of the consultation responses, recommends to Full Council the adoption of the updated Statement of Gambling Policy.**

## Reasons for recommendation

To ensure the Council has an up-to-date Gambling Policy, which has been subject to public consultation and views sought from relevant stakeholders.

The revised Statement of Gambling Policy has been drafted to include updates in legislation, Government guidance and to reflect current working practices. This will provide residents and service users with an up to date and fit for purpose policy document.

## Alternative options considered / risk management

To not make a recommendation for adoption of the Statement of Gambling Policy would mean the Council would not be able to meet its statutory obligations and legal challenges may follow.

## Democratic compliance / previous authority

On 12<sup>th</sup> September 2024, Cabinet agreed to a public consultation for the draft Statement of Gambling Policy to take place from 13 September 2024 to 25 October 2024.

## SUPPORTING INFORMATION

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. During this review, consideration has been given to how changes might improve the way in which services are being delivered and to make them more efficient and customer friendly.

In the intervening time, since 12 January 2023, 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.

In summary, the changes 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 for Responsible Authorities

The Statement of Gambling Policy is a Policy Framework document and, therefore, under the law and the Council's Constitution, it requires final approval by full Council.

The proposed Policy being recommended for approval is attached in **Appendix A**.

## Financial Implications

Any costs associated with the proposed adoption of the Statement of Gambling Policy will be funded from gambling licence fees (as set out in Appendix 1) and therefore contained within existing revenue budgets. 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.

## RESIDENT BENEFIT & CONSULTATION

### The benefit or impact upon Hillingdon residents, service users and communities

The effect of the updated Statement of Gambling Policy will be that firstly residents will have further clarity regarding how they are able to submit valid representations to applications that they are concerned with. Service users can be confident that additional safeguarding measures such as 'Think 25' and those in relation to Direct marketing will be followed by businesses. Finally, communities, can be reassured that the Licensing Authority are committed to Public Health initiatives and strategies and also focusing on wider issues such as Counter Terrorism and Martyn's Law.

An Equalities Impact Assessment was carried out on 25<sup>th</sup> July 2024. The Licensing Authority identified that there are a number of gambling premises whose customers are from a Black, Asian, Minority and Ethnic background. Licensing Officers will take appropriate steps to support customers of these licensed premises and members of the public when it comes to Gambling queries and relevant applications. The Licensing Team will offer telephone advice to residents and customers and consideration will be given to meeting residents and customers at Council Offices to assist them in clarifying relevant application forms.

The Equalities Impact Assessment is attached in **Appendix B**.

### Consultation Carried Out

A six-week consultation period took place from 13 September 2024 to 25 October 2024. The Licensing Authority consulted with the Responsible Authorities under the Gambling Act 2005, residents' associations, trade representatives, all Members and neighbouring Licensing Authorities.

The Licensing Authority received three submissions during the consultation. These were from Gamble Aware, the Lotteries Council and Gamcare.

### Gamble Aware comments

Gamble Aware provided the Licensing Authority useful links to interactive maps showing prevalence of problem gambling in each local authority. Also, they provided links to publications from the Local Government Association which set out a range of options available to local authorities to deal with gambling related harm. They stated that they are fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk.

## **The Lotteries Council comments**

The Lotteries Council responded stating that they have reviewed the draft Policy and had no comment.

## **Gamcare comments**

Gamcare welcomed the position Hillingdon Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005. They stated that Local Authorities can play a role in reducing gambling harm, particularly for those who experience harm in land-based gambling venues. They stated that the Council should develop a local picture of the level of gambling harms and pursue a Local Area Profile approach. This topic is referred to in Section 4 of the existing current Policy. Gamcare stated that changes to Hillingdon Council's statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so as to take account of the rapidly changing regulatory environment. In addition, they have stated that they would like to see a commitment to a public health approach to gambling. Therefore, an additional, specific 'Public Health Approach' section shall be added to the draft policy at sections 1.70 and 1.71 to read:

*"The Licensing Authority will endeavour to support all initiatives and strategies which lead the way for local public health approaches to reduce gambling harms and health inequalities across Great Britain".*

*This will involve close working with the Council's own Public Health Team but also collaborating with relevant external partners and organisations to share best practices across local authorities."*

## **Residents' Services Select Committee comments**

The draft Policy was considered by the Residents' Services Select Committee on 24 September 2024. Members sought further clarification regarding possible saturation in some areas noting the existence of six gambling establishments within a small area of Hayes. The Select Committee heard that all applications were considered on their individual merits – all of the relevant data and the impact on the local area were taken into account. It was noted that the number of complaints received in relation to gambling establishments was low compared to those received regarding alcohol-related premises.

Members noted the importance of safeguarding and sought further clarification as to how officers ensured that the Gambling Policy was being adhered to. In response to this, it was confirmed that risk-related inspections were carried out proactively by the enforcement team. Recent visits with the Gambling Commission had also been undertaken.

## **Licensing Committee comments**

The Licensing Committee met on 9 October 2024 and the Licensing Team Manager outlined the changes. A Member expressed that the Gambling Policy together with its amendments were sufficient in terms of safeguarding. There was a query in relation to how many consultation submissions had been received so far it was reminded that it was within everyone's remit to share

that the consultation was taking place with residents and resident associations. Finally, questions were asked around the Council's role in relation to the prevention of 'on-line' gambling and it was noted that the whilst the Gambling Commission were the main regulator for 'on-line' gambling, the Licensing Authority were responsible for land-based gambling. However, it was put forward that the Licensing Authority could work closer with the Gambling Commission and make arrangements to provide useful guidance and support for residents on the Council's website page.

## CORPORATE CONSIDERATIONS

### Corporate Finance

Corporate Finance has reviewed this report and concurs with the Financial Implications set out above, noting that any costs associated with the proposed adoption of the Statement of Gambling Policy will be funded from gambling licence fees and therefore contained within existing revenue budgets, with a full set of Gambling Fees & Charges included in Annex A in line with the approved values in Cabinet and Council in February 2024.

### Legal

Legal Services are satisfied that the Council has discharged its duty under the Gambling Act 2005. Legal Services has reviewed this report and confirms that following the consultation, there are no specific legal implications arising at the current time. It should be noted that all policies are subject to challenge and will be dealt with accordingly should this arise.

## BACKGROUND PAPERS

Current Statement of Gambling Policy

<https://www.hillingdon.gov.uk/gambling>

Gambling Commission - Guidance to Licensing Authorities last updated May 2021

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Gambling Commission – Licence Conditions & Codes of Practice last updated Oct 2020

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp>

Summer 2023 Consultation – proposed changes to LCCP and RTS:

<https://www.gamblingcommission.gov.uk/consultation-response/summer-2023-consultation-proposed-changes-to-lccp-and-rts-consultation>

High Stakes: Gambling Reform for the Digital Age, April 2023

<https://www.gov.uk/government/publications/high-stakes-gambling-reform-for-the-digital-age>

Annex A: Gambling Fees & Charges	Type	Current Charge Residents	Current Charge Non-Residents	Vat Status	Proposed Charge Residents	Increase	Proposed Charge Non residents	Increase	Date of last change to charge
		£	£		£	%	£	%	
<b>The Gambling Act 2005</b>									
Registration of small society lottery	B	40.00	40.00	NB	40.00	0.00%	40.00	0.00%	01-Apr-10
Renewal of registration of small society lottery	B	20.00	20.00	NB	20.00	0.00%	20.00	0.00%	01-Apr-10
Application for a premises licence - Bingo	B	3,500.00	3,500.00	NB	3,500.00	0.00%	3,500.00	0.00%	01-Apr-10
Application for a premises licence - Adult Gaming Centre	B	2,000.00	2,000.00	NB	2,000.00	0.00%	2,000.00	0.00%	01-Apr-10
Application for a premises licence - Family Entertainment Centre	B	2,000.00	2,000.00	NB	2,000.00	0.00%	2,000.00	0.00%	01-Apr-10
Application for a premises licence - Betting Premises (Track)	B	2,500.00	2,500.00	NB	2,500.00	0.00%	2,500.00	0.00%	01-Apr-10
Application for a premises licence - betting Premises (Other)	B	3,000.00	3,000.00	NB	3,000.00	0.00%	3,000.00	0.00%	01-Apr-10
Annual fee for a premises licence - Bingo	B	1,000.00	1,000.00	NB	1,000.00	0.00%	1,000.00	0.00%	01-Apr-10
Annual fee for a premises licence - Adult Gaming Centre	B	1,000.00	1,000.00	NB	1,000.00	0.00%	1,000.00	0.00%	01-Apr-10
Annual fee for a premises licence - Family Entertainment Centre	B	750.00	750.00	NB	750.00	0.00%	750.00	0.00%	01-Apr-10
Annual fee for a premises licence - Betting Premises (Track)	B	1,000.00	1,000.00	NB	1,000.00	0.00%	1,000.00	0.00%	01-Apr-10
Annual fee for a premises licence - betting Premises (Other)	B	600.00	600.00	NB	600.00	0.00%	600.00	0.00%	01-Apr-10
Application for a variation of premises licence - Bingo	B	1,750.00	1,750.00	NB	1,750.00	0.00%	1,750.00	0.00%	01-Apr-10
Application for a variation of premises licence - Adult Gaming Centre	B	1,000.00	1,000.00	NB	1,000.00	0.00%	1,000.00	0.00%	01-Apr-10
Application for a variation of premises licence - Family Entertainment Centre	B	1,000.00	1,000.00	NB	1,000.00	0.00%	1,000.00	0.00%	01-Apr-10

Appendix 1: Gambling Fees & Charges	Type	Current Charge Residents	Current Charge Non-Residents	Vat Status	Proposed Charge Residents	Increase	Proposed Charge Non residents	Increase	Date of last change to charge
		£	£		£	%	£	%	
Application for a variation of premises licence - Betting Premises (Track)	B	1,250.00	1,250.00	NB	1,250.00	0.00%	1,250.00	0.00%	01-Apr-10
Application for a variation of premises licence - Betting Premises (Other)	B	1,500.00	1,500.00	NB	1,500.00	0.00%	1,500.00	0.00%	01-Apr-10
Application for a transfer of premises licence - Bingo	B	1,200.00	1,200.00	NB	1,200.00	0.00%	1,200.00	0.00%	01-Apr-10
Application for a transfer of premises licence - Adult Gaming Centre	B	1,200.00	1,200.00	NB	1,200.00	0.00%	1,200.00	0.00%	01-Apr-10
Application for a transfer of premises licence - Family Entertainment Centre	B	1,200.00	1,200.00	NB	1,200.00	0.00%	1,200.00	0.00%	01-Apr-10
Application for a transfer of premises licence - Betting Premises (Track)	B	950.00	950.00	NB	950.00	0.00%	950.00	0.00%	01-Apr-10
Application for a transfer of premises licence - betting Premises (Other)	B	1,200.00	1,200.00	NB	1,200.00	0.00%	1,200.00	0.00%	01-Apr-10
Application for an Unlicensed Family Entertainment Centre Gaming Machine Permit	B	300.00	300.00	NB	300.00	0.00%	300.00	0.00%	01-Apr-10
Licensed premises gaming machine permit	B	150.00	150.00	NB	150.00	0.00%	150.00	0.00%	01-Apr-10
Annual fee for licensed premises gaming machine permit	B	50.00	50.00	NB	50.00	0.00%	50.00	0.00%	01-Apr-10
Application for club gaming / gaming machine permit	B	150.00	150.00	NB	150.00	0.00%	150.00	0.00%	01-Apr-10
Annual fee for club gaming / gaming machine permit	B	50.00	50.00	NB	50.00	0.00%	50.00	0.00%	01-Apr-10
Transfer of gaming machine permit	B	25.00	25.00	NB	25.00	0.00%	25.00	0.00%	01-Apr-10
Notification of 2 x gaming machines	B	50.00	50.00	NB	50.00	0.00%	50.00	0.00%	01-Apr-10