

London Borough of Hammersmith & Fulham COMMUNITY SAFETY, ENVIRONMENT AND RESIDENTS SERVICES POLICY AND ACCOUNTABILITY COMMITTEE 3 July 2018		
REVIEW OF THE COUNCIL'S STATEMENT OF GAMBLING POLICY		
Report of the Director of Resident Services		
Open Report		
Classification - For Information Key Decision: No		
Wards Affected: All		
Accountable Director: Nicholas Austin		
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1. EXECUTIVE SUMMARY

- 1.1. The Gambling Act 2005 requires every Council to have a 'Statement of Gambling Policy' which will include information stipulated within the Gambling Commission's statutory Guidance to Licensing Authorities in England and Wales.
- 1.2. The Council's 'Statement of Gambling Policy' must undergo a thorough review and public consultation every three years. It is now time for the London Borough of Hammersmith and Fulham to review its Statement of Gambling Policy (SGP) and undergo a public consultation exercise so that the latest version can be agreed by Full Council in October 2018 and published at the beginning of January 2019.
- 1.3. This report advises about the changes made to the revised policy and the timetable for consultation, prior to submission to Full Council for adoption.

2. RECOMMENDATIONS

- 2.1. That Members note and comment on the draft revised Statement of Gambling Policy 2019 at Appendix 1.

- 2.2. That Members note and/or comment on the consultees and consultation process, set out in section 7 below.

3. REASONS FOR DECISION

- 3.1. Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the gambling policy that they propose to apply in exercising their functions under the Act during each three-year period to which the gambling policy applies.

4. INTRODUCTION AND BACKGROUND

- 4.1. The Council's Statement of Gambling Policy provides advice and guidance to local authorities when exercising their functions under the Gambling Act 2005. It also provides guidance to applicants and objectors.
- 4.2. A Statement of Gambling Policy may last for a maximum of three years and can be reviewed and revised by the authority at any time during that period.
- 4.3. The first Statement of Gambling Policy took effect on the 3 January 2007. The Council's current Statement of Gambling Policy 2016 took effect in January 2016 and expires in January 2019.
- 4.4. The draft revised Statement of Gambling Policy 2019 at Appendix 1 (*with tracked changes*) is the Council's fifth SGP and must be adopted by Full Council. It then must be published at least 28 days before it comes into effect at the end of January 2019.
- 4.5. The draft revised SGP 2019 has been prepared and is currently the subject of a 12-week public consultation.

5. PROPOSAL AND ISSUES

- 5.1. The 2016 Statement of Gambling Policy has been revised to reflect changes in legislation and to emphasise the Gambling Commission's Codes of Practice, particularly those Codes referring to the protection of children and vulnerable people.
- 5.2. The main changes reflect the latest version of the Gambling Commission's Guidance document, stronger references to the Commission's Codes of Practice, updated links to various websites, and updated contact details. The more significant changes are summarised in table 1 below.

Section of the SGP	Changes made
Paragraph 3.8	Children in Gambling Premises and underage gambling
Paragraph 5.9	Indicating support, commitment and expectations for operators to engage with the 'Betwatch' scheme
Paragraphs 5.10 and 5.12	Expectations of Local Risk assessments, in particular relating to children and vulnerable adults.
Paragraphs 9.1	Further information relating to the Regulators Code

Paragraph 15.4	Operation Makesafe and other safeguarding concerns regarding children on premises and underage gambling.
Annex 3	Updated map of the borough relating to 'Local Area Profiles'

Table 1: Summary of changes made to the Statement of Gambling Policy

6. OPTIONS AND ANALYSIS OF OPTIONS

- 6.1. The Statement of Gambling Policy must be reviewed, adopted and published by January 2019.
- 6.2. To ensure that these statutory timescales are met, the consultation began on the 11 May 2018 and will close on the 3 August 2018. This is so that it can be ready for the final Full Council meeting of 2018 in October.

7. CONSULTATION

- 7.1. The process for revising the policy is to circulate the draft amended policy for public consultation over a 12-week period, review and amend post consultation, report on the final draft at the Cabinet Member Board Meeting, Policy and Accountability Committee, then to Cabinet, and then to a meeting of the Full Council for formal adoption.
- 7.2. All responses received will be collated and analysed and the SGP will be revised where it is considered appropriate to do so. Details of all changes will be reported after the consultation concludes and the responses have been analysed.
- 7.3. The timetable for adoption is detailed in table 2, below.

Activity	Date(s)
Public consultation	11 May 2018 – 03 August 2018
Licensing Committee	26 June 2018
Community Safety, Environment and Residents Services Policy and Accountability Committee	03 July 2018
Cabinet Meeting	08 October 2018
Full Council	17 October 2018

Table 2: Planned timetable for the review of SLP

The Review Process

- 7.4. In reviewing the statement of gambling policy we have considered:
- Changes to the gambling regime;

- The promotion of the three licensing objectives;
- The guidance issued under Section 25 of the Gambling Act 2005,
- The current Statement of Gambling Policy 2013;
- Local crime prevention
- The Equality Act 2010

Consultation process

- 7.5. A letter has been sent to all gambling premises and residents groups which specified the website address of an online consultation. The letter advised that paper copies of the consultation were available if required. The online consultation address was also emailed to all responsible authorities, Councillors and Stakeholders. A copy of the draft Statement of Gambling Policy is on the [website](#) for consultees to refer to as they make their response.
- 7.6. The Act requires the licensing authority to consult on its Statement of Gambling Policy with the Police; those who represent the interests of gambling businesses in their area; and those which represent interested persons likely to be affected (Section 349 (3)).
- 7.7. In addition to the statutory consultees, including the Local Safeguarding Children Board (LSCB) and the Public Health team, the following will also be consulted:
- Trade associations
 - Residents' associations
 - Businesses
 - Fire authority
 - Ward councillors
 - Neighbouring authorities
 - Trading Standards
 - Environmental Health
 - Chamber of Commerce
 - Social Inclusion Board
 - Substance Misuse and Offender Care Team
 - Safeguarding Adults Executive Board
 - Community Safety Partnership
 - Other relevant people who could be affected by this policy

Issues for consideration

- 7.8. The licensing authority can only consider matters within the scope of the Gambling Act, Guidance and associated Codes of Practice and cannot become involved in the moral issues relating to gambling.

Licensing objectives

7.9. Consideration must be given to the three licensing objectives below as well as the needs of businesses within the borough.

- Preventing gambling from being a source of crime and 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.

Number of licences issued under the Act within the borough

7.10. This Authority currently has the following number of premises with gaming permits or premises licences:

- Adult Gaming Centres – 2
- Betting Shops/Track Betting – 42
- Bingo – 3

8. EQUALITY IMPLICATIONS

8.1. The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in s149 of the Equality Act 2010. A screening for the equalities impact assessment has been carried out on the effect of this policy. The policy has low relevance in relation to its impact on the protected characteristics as it applies to all licensed businesses.

9. LEGAL IMPLICATIONS

9.1 The Legal implications are set out in the body of the report.

Implications verified by: Poonam Rajput, Planning Solicitor (Property and Planning Team), 020 8753 6378

10. FINANCIAL AND RESOURCES IMPLICATIONS

10.1. There are no financial implications associated with the recommendations in this report.

10.2. Implications verified by: Lucy Varenne, Interim Head of Finance – Residents Services, 020 7341 5777

11. IMPLICATIONS FOR BUSINESS

11.1 Local businesses within the Borough (including all those premises that are currently licensed under the Gaming Act 2005) will have an opportunity to comment on the draft policy, during the consultation period.

- 11.2 The policy has an impact on how licensed premises should operate to promote the three licensing objectives and what will be taken into consideration when licensing decisions are made. Therefore, all applicants and licensed premises should be mindful about what is included in the policy.
- 11.3 To help licence holders, officers in the Licensing Team will provide advice and guidance to help businesses to comply and will follow a “stepped approach” to any enforcement, in line with our enforcement policy.

12. RISK MANAGEMENT

- 12.1 The failure to meet new and existing statutory requirements is specifically addressed in the Environmental Health Service Group’s risk register. Controls in place to mitigate this risk include training, internal auditing, review of local area profiles and local risk assessments, periodic updates of the website and the business planning process.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Statement of Gambling Policy 2016	Patrick Crowley 020 7341 5601	Environmental Health, Resident Services Pembroke Road
2.	The guidance issued under Section 25 of the Gambling Act 2005	Patrick Crowley 020 7341 5601	Environmental Health, Resident Services Pembroke Road
3.	Gambling Commission’s Licensing Authority Bulletin Statements of Licensing Policy 2018 - 2022	Valerie Simpson 020 8753 3905	Environmental Health, Resident Services Pembroke Road

LIST OF APPENDICES:

Appendix 1 - Draft Statement of Gambling Policy 2019



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