

London Borough of Hammersmith & Fulham CABINET 8 OCTOBER 2018		 hammersmith & fulham
REVISED STATEMENT OF GAMBLING POLICY		
Report of the Cabinet Member for The Environment - Councillor Wesley Harcourt		
Open Report		
Classification - For Decision		
Key Decision: NO		
Wards Affected: All		
Accountable Director: Ann Ramage – Interim Assistant Director for Regulatory Services		
Report Author: Patrick Crowley Licensing Manager	Contact Details: Tel: 020 7341 5601 E-mail: Patrick.crowley@rbkc.gov.uk	

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. The Borough’s Policy has undergone a review this year, and the revised version is required to be adopted by the Full Council to comply with the Gambling Act 2005. The draft, revised Statement of Gambling Policy has undergone a 12-week public consultation exercise which ended on the 03 August 2018.
- 1.3 The amended Statement of Gambling Policy has taken into account suggestions and best practice recommended by the Gambling Commission and now has an added focus on safeguarding children and vulnerable adults and highlighting the support agencies that are available, in relation to gambling.

2. RECOMMENDATIONS

- 2.1. That the revised Statement of Gambling Policy, attached at the end of this report as Appendix 1, be recommended for adoption by the Full Council.

3. REASONS FOR DECISION

- 3.1. To ensure that the Council's Statement of Gambling Policy complies with section 349 of the Gambling Act 2005 and, after undergoing a full review, is approved by Full Council and published in January 2019.
- 3.2. Section 349 of the Gambling Act 2005 requires Licensing Authorities to review, and publish revised, Statements of Gambling Policy every 3 years.
- 3.3. The Statement of Policy must be adopted by Full Council and published at least 28 days before it comes into effect in January 2019.

4. INTRODUCTION AND BACKGROUND

- 4.1. The Council's Statement of Gambling Policy provides advice and guidance to the council when exercising their functions under the Gambling Act 2005. It also provides guidance to both 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.
- 4.3. The first Statement of Gambling Policy took effect in January 2007. The Council's current Statement of Gambling Policy took effect in January 2016 and expires in January 2019. A draft revised Statement of Gambling Policy has been prepared and has undergone a 12-week public consultation.
- 4.4. The 2016 Statement of Gambling Policy was revised to reflect any changes in legislation, and to place more emphasis on the protection of children and vulnerable people, prior to the public consultation exercise. The revisions also reflected the latest version of the Gambling Commission's Guidance, updated links to various websites, and updated contact details. The main changes are summarised in table 1 below.

Section of the Statement of Gambling Policy	Changes made
Paragraph 3.5	Amended to reflect the latest version of the Gambling Commission's Guidance
Paragraph 3.8	Paragraph strengthened in relation to the Gambling Commission's Licensing Conditions and Codes of Practice regarding underage gambling
Paragraph 5.10	New paragraph in relation to Local Risk Assessments
Paragraph 5.12	Paragraph strengthened to include other matters the LA expects licence holder to consider when completing their Local Risk Assessments
Paragraph 9.1	Paragraph extended to explain how we will comply with the Regulators Code

Paragraphs 15.4 and 15.5	New paragraphs relating to the protection of children and underage testing
Page 36	Local Area Profile map updated

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

- 4.5 Four responses were received as a result of the public consultation exercise. These can be found attached at the end of this report as Appendix 2. A summary of these responses and relevant amendments to the revised Statement of Gambling Policy can be found as Appendix 3 to this report. The final version of the Statement of Gambling Policy January 2019 – January 2022 can be found as Appendix 1 attached at the end of this report.
- 4.6 As a result of the consultation responses received the local risk assessments section of the Statement of Gambling Policy was updated. Information was added regarding the National Programme Gambling Clinic’s patient information leaflet and helpline numbers to paragraph 5.11(f) and the last bullet point in paragraph 5.13. An updated Local Area Profile Map has been included at Page 36.
- 4.7 The timetable for adoption by the Full Council of the Statement of Gambling Policy January 2019 – January 2022 is shown in table 2 below:

Table 2: Planned timetable for the review of Statement of Gambling Policy

Activity	Date(s)
Community Safety and Environment Policy and Accountability Committee	3 July 2018
Cabinet	5 October 2018
Full Council	17 October 2018

5. PROPOSAL AND ISSUES

- 5.1 An issue that has arisen in towns and cities nationally is the ‘clustering’ of betting shops in specific areas. The introduction of ‘Local Area Profiles’ requires applicants to address local issues within their applications, and to explain how they will reduce any adverse impact on the local environment should an application be granted. This should assist Licensing Authorities when making decisions relating to the new grant of, or variation to existing, licence applications.
- 5.2 Vulnerable children in gambling premises has also been considered. Although children under the age of 18 are excluded from betting shops, casinos and Adult Gaming Centres, particular attention to the risk of children in these premises has been given in the revised Policy Statement.

6. CONSULTATION

- 7.1 The draft, revised Statement of Gambling Policy commenced a 12-week public consultation exercise on the 11 May 2018. Details were sent to every Residents’ group in the Borough in May 2018. Details were also sent to representative groups of the

Gambling industry and to the Chamber of Commerce. The draft Policy was placed on the Council's website at:

http://www.lbhf.gov.uk/Directory/Business/Licences_and_street_trading/Licensing_az/59466_Licensing_policy.asp

- 7.2 Details of the revisions and the weblink to the draft Policy were also sent to teams within the Environmental Health Department, the Planning Department, the Highways Department, Children's Services, the Council's Events Team, the Director for Public Health's Department, the Metropolitan Police, the Parks Police, the Fire Authority, local hospitals, all Hammersmith and Fulham Councillors, the three Town Centre Managers and neighbouring Boroughs. A report also went before members at the Annual Licensing Committee meeting in June and the Community Safety and Environment Policy and Accountability Committee in July.
- 7.3 Four responses were received during the consultation period from the Metropolitan Police, the Council's Noise and Nuisance Team, a local resident, and the Central and North-West London NHS Foundation Trust (CNWL). These responses are detailed in Appendix 2 to this report.

7. EQUALITY IMPLICATIONS

- 7.1. TheAs required by Section 149 of the Equality Act 2010, the Council has considered its obligations regarding the Public-Sector Equality Duty and it is not anticipated that there will be any direct negative impact on groups with protected characteristics, as defined by the Act, from these proposed revisions to the Statement of Gambling Policy.
- 7.2 Implications completed by: Peter Smith, Head of Policy & Strategy, tel. 020 8753 2206.

8. LEGAL IMPLICATIONS

- 8.1 The requirement for every Council to have a 'Statement of Gambling Policy' is set out in the Gambling Act 2005. The Council's 'Statement of Gambling Policy' must undergo a review and public consultation every three years in accordance with the Gambling Act 2005.
- 8,2 Legal Implications provided by Adesuwa Omoregie, Chief Solicitor (Planning, Highways, Licensing and Property), tel. 0208 753 2297.

9. FINANCIAL AND RESOURCES IMPLICATIONS

- 9.1 There are no direct financial implications associated with this report. However, any financial impact arising as a result of this policy will be managed as part of the budget monitoring process.
- 9.2 Finance Implications provided by Emily Hill, Assistant Director (Corporate Finance). tel 020 8753 3145.

10 IMPLICATIONS FOR BUSINESS

- 10.1 Implications for business in the borough from the introduction of this revised policy are considered to be minimal. Changes in Planning law in May 2015 means that betting shops are removed from Class D2 to a 'sui generis' use. This means that betting shops are now not included in the planning 'use' classes and new premises will need specific planning permission in order to operate. The Planning division now has stricter controls on where a prospective operator may operate new betting premises.
- 10.2 The gambling policy has been revised to reflect the recent changes in the Gambling Commission's Guidance. The Licensing Authority has developed local area profiles, identifying, quantifying and mapping any vulnerabilities and other relevant features of the borough. These profiles should be used and considered by new applicants and existing licence holders, as they provide a basis upon which future Gambling Act applications will be assessed.
- 10.3 This new approach represents a major opportunity for local businesses to promote, and clearly state within their application how they will promote, the licensing objectives and ensure high standards of operation which respect the sensitivities of their locality.
- 10.4 Implications verified/completed by: Albena Karameros, Economic Development Team, tel. 020 7938 8583.

11. RISK MANAGEMENT

- 11.1 In line with the Gambling Commission's guidance for local authorities, the proposed policy pays particular attention to risks posed to residents and is focussed on protecting children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 11.2 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, local risk assessments, a risk-based inspection programme, periodic updates of the scheme of delegation and the business planning process.
- 11.3 Implications verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance, tel. 0207 361 2389.

12. IT STRATEGY IMPLICATIONS

- 12.1 Not applicable in this case.
- 12.2 IT implications provided by Veronica Barella, Chief Information Officer, tel. 020 8753 2927.

13. COMMERCIAL AND PROCUREMENT IMPLICATIONS

- 13.1 There are no commercial or procurement implications associated with the recommendations contained in this report.
- 13.2 Implications completed by: Joanna Angelides, Procurement Consultant, tel. 0208 753 2586, on behalf of Simon Davis, Assistant Director Commercial Management.

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.	None		

LIST OF APPENDICES:

Appendix 1 – Statement of Gambling Policy

Appendix 2 – Draft Statement of Gambling Policy 2019 for RBKC & LBHF: CNWL Addictions Comments

Appendix 3 – Record of Responses to Public Consultation