

London Borough of Hammersmith & Fulham

Report to: Community Safety and Environment Policy & Accountability Committee

Date: 19/07/2021

Subject: Review of the Statement of Gambling Policy

Report of: Adrian Overton, Licensing Policy and Enforcement Manager

Responsible Director: Sharon Lea, Strategic Director for Environment

Summary

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. 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 2021 and published at the beginning of January 2022. This report outlines the changes made to the revised policy and the timetable for consultation, prior to submission to Full Council for adoption.

Recommendations

1. For the Committee to note and comment on the draft revised Statement of Gambling Policy 2022 – 2025, at Appendix 1.

Wards Affected: All

H&F Values

Please state how the subject of the report relates to our values – delete those values which are not appropriate

Our Values	Summary of how this report aligns to the H&F Priorities
<ul style="list-style-type: none">• Building shared prosperity	<i>A robust Statement of Gambling Policy will help to create a level playing field for operators in the gambling industry and transparency and clarity about guiding principles.</i>

<ul style="list-style-type: none"> • Creating a compassionate council 	<i>The draft Statement of Gambling Policy makes specific reference to those who may be vulnerable such as children or those with a gambling addiction and seeks to reinforce certain safeguards to help protect and prevent them from harm.</i>
<ul style="list-style-type: none"> • Doing things with local residents, not to them 	<i>The public statutory consultation will be open to residents to provide their views, which can be taken into account in any revised final policy statement.</i>
<ul style="list-style-type: none"> • Being ruthlessly financially efficient 	<i>Fees and charges are reviewed annually and where possible set to recover the costs of application administration and management of licensed gambling premises.</i>
<ul style="list-style-type: none"> • Taking pride in H&F 	<i>The Licensing Authority's Statement of Gambling Policy helps to consistently manage gambling premises and to uphold the licensing objective related to preventing gambling being associated, supporting or being a source of crime.</i>
<ul style="list-style-type: none"> • Rising to the challenge of the climate and ecological emergency 	<i>The consultation will mainly be carried out electronically to minimise the use of paper, when compared to using a postal process.</i>

Contact Officer(s):

Name: Adrian Overton
 Position: Licensing Policy and Enforcement Manager
 Telephone: 020 8753 3081
 Email: adrian.overton@lbhf.gov.uk

Background Papers Used in Preparing This Report

NONE

Introduction and Background

1. Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of 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.

2. 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.
3. 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. The first Statement of Gambling Policy (SGP) took effect on the 3 January 2007. The Council's current Statement of Gambling Policy 2019 took effect in January 2019 and expires in January 2022.
5. The draft revised Statement of Gambling Policy 2022 - 2025 at Appendix 1 (*with tracked changes*) is the Council's sixth SGP and must be adopted by Full Council. It must then be published at least 28 days before it comes into effect at the end of January 2022.
6. The draft revised SGP 2022 - 2025 has been prepared and is currently the subject of a 10-week public consultation.

The Review Process

7. 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 2019 Statement of Gambling Policy;
 - Local crime prevention measures; and
 - The Equality Act 2010
8. The main changes reflect the latest version of the Gambling Commission's Guidance document and the Commission's Codes of Practice. We have simplified some of the wording to make it clearer, removed some specific references to extracts from the Guidance, updated dates and links to various websites and updated contact details. The more significant changes are summarised in Appendix 2 - Summary of changes made to the current 2019 Statement of Gambling Policy.

The consultation process

9. To ensure that these statutory timescales are met, the consultation began on the 12 July 2021 and will close on the 19 September 2021. This is so that it can be prepared and finalised for the final Full Council meeting of 2021 in October.
10. The process for revising the policy is to circulate the draft amended policy for public consultation over a 10-week period, review and amend post consultation, report on the final draft at the Cabinet Member Board Meeting and Cabinet, and then take the policy to a meeting of the Full Council for formal adoption. See Appendix 3 - Consultation questions for the draft revised Statement of Gambling Policy 2022 – 2025.

11. 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.
12. The timetable for adoption is detailed in the table below.

Activity	Date(s)
Public 10-week consultation	12 July 2021 – 19 September 2021
Community Safety and Environment Policy and Accountability Committee	19 July 2021
Cabinet Meeting	11 October 2021
Full Council	20 October 2021

Planned timetable for the review and adoption of the SGP

13. Details have been sent to all gambling premises and residents' groups which specified the website address of the online consultation. They have been advised that paper copies of the consultation are 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 will be on the [website](#) for consultees to refer to as they make their response.
14. 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)).
15. In addition to the statutory consultees, e.g. the Local Safeguarding Children Partnership (LSCP) and the Director of Public Health, the following will also be consulted:
 - The Police
 - Trade Associations
 - Residents' Associations
 - Businesses via Council and Town Centre contacts
 - Fire Authority
 - Ward councillors
 - Neighbouring authorities
 - Trading Standards
 - Environmental Health
 - Chamber of Commerce
 - Director of Public Health
 - Planning Authority
 - Safeguarding Adults Board
 - Community Safety Partnership
 - Other relevant people who could be affected by this policy

Issues for consideration

16. 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.
17. The local area profile has been updated as part of this review and included as part of this policy, at Annex 3. Whilst there is no mandatory requirement to have a local area profile, there are a number of benefits:
 - a) it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it;
 - b) greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application;
 - c) it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
 - d) it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.
18. This proposals and considerations below (*Paragraphs 18, 21, 22, 24 and 25*) have been included as specific consultation questions. (See Appendix 3 - Consultation questions for the draft revised Statement of Gambling Policy 2022 – 2025).
19. Consideration has also been given to the introduction of a policy recommendation that the terminal hour for Adult Gaming Centres should be limited to 11pm. Any premises wishing to operate after this time would be asked to provide a robust risk assessment and also commit to employing more than one member of staff *after* 11pm. This proposal has been suggested to try and combat an issue with crime linked to lone working in these types of venues.
20. Some employees are exposed to high-risk situations daily e.g. crime, violence and mental health issues. Environmental Health Officers have investigated incidents which have occurred *before* 11pm where only one member of staff was on duty. In most cases, affected employees have suffered physical injuries and/or post-traumatic stress disorder, which has the potential to have knock on effects.
21. It has been proposed that pro-active measures to address lone working, staffing issues and people within gambling premises could be strengthened in the policy, for all operational hours rather than just being restricted to after 11pm.
22. A proposal has also been made to support the removal of the Council's long standing 'no casino' resolution from the policy. This would be in an effort to better reflect the Council's commitment to a vibrant night-time economy. However, it is appreciated that there are potential wider public health implications by inviting

further gambling premises to the borough. Key information about re-adopting a 'No Casino' resolution can be found at Appendix 4.

23. If the 'no casino' resolution is to be removed from the Policy, it has been proposed that the new Statement of Gambling Policy should include specific conditions for casinos not addressed in the Gambling Commission's codes of practice, e.g. Violence [staff and public] in the premises and safeguarding measures for children and vulnerable persons.
24. It has been proposed that we strengthen the underage aspects of the policy by including a section about the Council's expectations. This would include: that premises will adopt Challenge 25 when allowing customers to enter / gamble; that all staff will be trained in 'ASSESS-CHALLENGE-CHECK' and instructed to challenge young people as they enter the premises; and that door supervision may be required if the operator is found to breach this.
25. It has been proposed that a condition is added to the local pool of licence conditions about the use of technology to allow remote activation of gaming machines. Once a player reaches a machine, they can often play undetected as they have their backs to staff. If there was a requirement to activate the machine on demand, this would help to facilitate age-verification.

Licensing objectives

26. Consideration must be given to the three licensing objectives below as well as the needs of businesses within the borough.
 - a) Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
 - b) Ensuring that gambling is conducted in a fair and open way; and
 - c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Number of licences issued under the Act within the borough

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

Type of gaming permit or premises licence	Number of premises
Adult Gaming Centre	2
Adult Gaming Centre - Fast Track	1
Track Betting - Fast Track	3
Betting Shop - Fast Track	15
Betting Premises Licence	6
Premises Licence - Bingo	3
Unlicensed Family Entertainment Centre	2

Equality Implications

28. 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. The policy has low relevance in relation to its impact on the protected characteristics as it applies to all licensed businesses. A new section has been included in the draft revised Statement of Gambling Policy to reflect the Authority's commitment to equality and diversity.

Legal Implications

29. The Legal implications are set out in the body of the report and appendices.

Financial and Resources Implications

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

Implications for Business

31. 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.
32. 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.
33. 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.

Risk Management

34. 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.

List of Appendices:

Appendix 1	Draft revised Statement of Gambling Policy 2022 – 2025
Appendix 2	Summary of changes made to the current 2019 Statement of Gambling Policy
Appendix 3	Consultation questions for the draft revised Statement of Gambling Policy 2022 – 2025

Appendix 4**Key information about re-adopting a 'No Casino' resolution**