


<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">COUNCIL</p> <p style="text-align: center;">21 OCTOBER 2015</p>	
<p>REVISED STATEMENT OF GAMBLING POLICY</p>	
<p>Report of the Cabinet Member for Environment, Transport and Residents Services – Councillor Wesley Harcourt</p>	
<p>Open Report</p>	
<p>Classification: For Decision</p> <p>Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Director: Nicholas Austin - Director for Environmental Health</p>	
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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. The borough's policy has undergone a review this year, and the revised version is required to be adopted by the Full Council in order 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 31 August 2015.

2. RECOMMENDATIONS

- 2.1. That the revised Statement of Gambling Policy, attached as Appendix 1 to this report, be approved 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 2016.
- 3.2. The first Statement of Gambling Policy took effect in January 2007. The Council's current Statement of Gambling Policy took effect in January 2013. 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 2016

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 during that period.
- 4.3 The Council's current Statement of Gambling Policy took effect in January 2013 and expires in January 2016. A draft revised Statement of Gambling Policy has been prepared and has undergone a 12 week public consultation.
- 4.4 The 2013 Statement of Gambling Policy has been revised to reflect subsequent changes in legislation. A copy of the draft, amended Statement of Gambling Policy is attached as Appendix 1 to this report. The main changes reflect the latest version of the Gambling Commission's Guidance document, updated links to various websites, and updated contact details. These changes are summarised in table 1 below.

Section of the Statement of Gambling Policy	Changes made
Paragraph 1.2	Amended to reflect the latest version of the Gambling Commission's Guidance
Paragraph 2.1	Information from the census of 2011 included
Paragraph 5.3	Amended to include the details of the 'Responsible Authority' in relation to 'the protection of children from harm'
Paragraphs 9.8 – 9.10	Amended to reflect the latest version of the Gambling Commission's Guidance in relation to Planning issues
Paragraphs 9.13 – 9.17	New paragraphs relating to 'Local Area Profiles' and the Gambling Commission's 'Social Responsibility' Codes 10.1.1 and 10.1.2
Appendix F	New map of the Borough relating to 'Local Area Profiles'

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

- 4.5 Twelve responses were received as a result of the public consultation exercise, the results are published online as a background document to this report.

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' will require applicants to address local issues within their applications, and require them 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 have 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.
- 5.3 We propose to continue the Council's 'No Casino' resolution.

6. CONSULTATION

- 6.1 The draft, revised Statement of Gambling Policy commenced a 12 week public consultation exercise on the 8 June 2015. Details were sent to every Residents' group in the Borough in early June 2015. 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:

[www.lbhf.gov.uk/Directory/Business/Licences and street trading/Licensing a_z/59466_Licensing_policy.asp](http://www.lbhf.gov.uk/Directory/Business/Licences_and_street_trading/Licensing_a_z/59466_Licensing_policy.asp)

Details of the public consultation were also included in the Council's e-newsletter.

- 6.2 Details of the revisions and the web link to the draft Policy were sent to teams within the Environmental Health Department, the Planning Department, the Highways Department, Children's' Services, the Council's Events Team, the Director of 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.
- 6.3 Twelve responses were received from the Peterborough Road and Area Residents' Association, the Metropolitan Police, the Council's Noise and Nuisance Team, Trading Standards Team, Children's' Services, the Bi-borough Head of Environmental Health (Licensing and Trading Standards), The Director of Public Health, The London Healthier High Street Group, the Planning Department, The Association of British Bookmakers, Corals, and

Paddy Power. These responses are detailed in a background document published online with this report.

7. EQUALITY IMPLICATIONS

- 7.1. 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 (the Act). A screening for the equalities impact assessment has been carried out on the effect of the policy.
- 7.2. The policy has low relevance in relation to its impact on the areas under the statutory duties contained in the equalities impact assessment, but contributes towards the corporate priorities of the council, open and transparent decision making.

8. LEGAL IMPLICATIONS

- 8.1 The Legal implications are set out in the body of the report.
- 8.2 Implications to be verified by: Tasnim Shawkat, Director for Law, 020 8753 2700 [Reference: WH/30097481]

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.
- 9.1.1 Implications to be verified by: Mark Jones, Director for Finance and Resources – TTS/ELRS, 020 8753 6700

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 mean 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 Department 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 new draft Guidance. The Licensing Authority has developed local area profiles, identifying, quantifying and mapping the 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.

11 RISK MANAGEMENT

11.1 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, periodic updates of the scheme of delegation and the business planning process.

12. PROCUREMENT AND IT STRATEGY IMPLICATIONS

12.1 Not applicable in this case.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT
Responses to Consultation Exercise - [Published Online](#)

LIST OF APPENDICES

Appendix 1 – Draft revised Statement of Gambling Policy (post consultation version)