

## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Adoption of Statement of Gambling Policy 2020-2023
<b>Cabinet Member:</b>	Councillor Viddy Persaud Lead Member for Public Protection and Safety
<b>SLT Lead:</b>	Barry Francis, Director of Environment
<b>Report Author and contact details:</b>	Louise Watkinson Group Manager Public Protection 01708 432771 Keith Bush Public Protection Manager Licensing & Trading Standards 01708 433425
<b>Policy context:</b>	The Gambling Act 2005 requires the Licensing Authority to consult on and publish a Statement of Gambling Policy. This document must be reviewed every 3 years.
<b>Financial summary:</b>	Once the Statement of Licensing Policy has been adopted it is required to be advertised in a local newspaper for four weeks. It is estimated that this will cost £2000 and will be funded from existing budgets.
<b>Reason decision is Key</b>	Significant effect on two or more Wards
<b>Date notice given of intended decision:</b>	30 <sup>th</sup> March 2020

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<b>Relevant OSC:</b>	Towns and Communities
<b>Is it an urgent decision?</b>	No
<b>Is this decision exempt from being called-in?</b>	No

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Adopt the updated Statement of Gambling Policy 2020-2023 as attached at Appendix 1 for the period commencing 1<sup>st</sup> September 2020 to 31<sup>st</sup> August 2023.

### AUTHORITY UNDER WHICH DECISION IS MADE

Part 3, Section 2.1 General Functions of Cabinet

#### Policy matters

(c) To determine all substantial policy matters and strategic decisions and those minor matters which are referred by the Leader at the request of an individual Cabinet Member as being particularly contentious.

### STATEMENT OF THE REASONS FOR THE DECISION

The Council, as the local licensing authority for gaming and betting, is required under the Gambling Act 2005 to have in place a statement of the principles (a 'policy') by which it will abide in carrying out its licensing responsibilities. Once established, the Council's policy may be reviewed at any time but must be reviewed every three years under section 349 of the Gambling Act 2005. All changes to the policy must be subject to a statutory public consultation exercise. Further details of this are set out in paragraph 3.5 of the report. The current policy has expired and the Council is now required to publish a new policy for 2020 to 2023. The existing policy expired in January 2019. The Gambling Commission were written to advising them of the delay in updating the current policy and that we would continue to operate using our existing policy until the new policy could be adopted. However no new applications or reviews of premises licences have taken place since January 2019 and none are planned ahead of the new policy being adopted by Full Council, minimising risk to the authority.

This report provides a copy of the updated Havering Statement of Gambling Licensing Policy for the period 2020 - 2023, for consideration together with the results of the public consultation. A copy of the proposed Statement of Gambling Licensing Policy is included as Appendix 1.

The policy is an update of the existing policy. There have been a number of significant changes since the previous policy was adopted. For example the Gambling Commission have included a new requirement within the Codes of Practice for gambling operators to conduct risk assessments for each of their premises taking into account the individual circumstances of each local area. This requirement will ensure that operators take into account local needs, pressures and put in mitigation measures

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in place to address individual circumstances. The proposed changes to the policy have been highlighted in appendix 1 for ease of reference. The principle changes are:

- 2.0 Profile of London Borough of Havering has been updated to include current Vision.
- 8.0 Protecting Children and other Vulnerable Persons from being harmed or exploited by Gambling has been added.
- 10.9 Ensuring that new applicants have the correct planning permissions for their premises have been added.
- 10.15 Local Area Profile has been updated.
- 10.19 More details about the use of Local Risk Assessments, their contents and when they should be updated.
- 10.24 Examples of conditions that applicants may offer the Licensing Authority as part of their application.
- 10.30 Adult Gaming Centres to have policies and procedures to prevent underage gambling.
- 10.33 For bingo and family entertainment centre premises, it is a mandatory condition that under-18s should not have access to areas where category B and C gaming machines.
- 10.40 Clarify the purpose of reviews.
- 11.6 Gaming machines in premises licensed to sell alcohol. Encourage the use of leaflets/helpline numbers to protect vulnerable persons.
- Appendix E gives a list of consultees.

It remains the case that each application is required by law to be considered upon its own merits. However, it looks to establish a framework which best places the Council to make future licensing decisions which take into account local information and address local circumstances and concerns.

Before the Statement of Gambling Policy can be adopted the Gambling Act 2005 requires the licensing authority to consult with:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

This consultation was undertaken for eight weeks between 30<sup>th</sup> September 2019 and 25<sup>th</sup> November 2019. A copy of the consultation report is attached as Appendix 2. The main method of consultation was via an online survey although email submissions were also received. The consultation was publicised in local newsletters, social media and by email addressed to the consultees identified in Appendix E of the draft

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### Statement of Gambling Policy.

A total of 7 responses were received. Copies of the responses are in sections 3 and 4 of the consultation report. The licensing team considered these carefully and each was responded to as set out in section 4 of the report. Where indicated the policy was updated further to take account of the comments made.

Once adopted the revised Statement of Gambling Policy 2020-2023 will need to be advertised locally for a period of four weeks before it takes effect.

## **OTHER OPTIONS CONSIDERED AND REJECTED**

**No other option was considered** as the authority is required by law to have a Statement of Gambling policy under the Gambling Act 2005.

## **PRE-DECISION CONSULTATION**

Before the Statement of Gambling Policy can be adopted the Gambling Act 2005 requires the licensing authority to consult with:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

This consultation was undertaken for eight weeks between 30<sup>th</sup> September 2019 and 25<sup>th</sup> November 2019. A copy of the consultation report is attached as Appendix 2. The main method of consultation was via an online survey although email submissions were also received. The consultation was publicised in local newsletters, social media and by email addressed to the consultees identified in Appendix E of the draft Statement of Gambling Policy.

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**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Keith Bush

Designation: Public Protection Manager (Licensing and Trading Standards)

Signature:



Date: 30<sup>th</sup> March 2020

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

Section 349 of the Gambling Act 2005 imposes a statutory requirement on the Council (as the Licensing Authority) to prepare and publish a 'Statement of Principles' (which is in effect the Council's Statement of Gambling Policy as referred to in this report) once every three years. Following public consultation any amendments to the Policy are required to be considered at Cabinet and then approved by Full Council. Section 349 (2) of the Gambling Act 2005 allows the Licensing Authority to review its Statement/Policy from time to time if it is deemed necessary. The Statement of Gambling Policy attached as Appendix 1 has been revised under section 349(2). This will be formally adopted subject to any further comments received.

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 sets out the legal requirement and procedure for drafting and preparing the Statement/Policy and any revisions to this. The Council's existing policy expired in January 2019 but has been extended whilst revisions to it are made. Should the Licensing Authority decide to make any decision in which it is required to act in accordance with the policy after it has expired, there is potentially a risk of legal challenge. The Gambling Commission were written to advising them of the delay in updating the current policy and that we would continue to operate using our existing policy until the new policy could be adopted. However since the Licensing Authority has confirmed no new applications or reviews of premises licences have taken place since January 2019 and nor it is envisaged this will be the case ahead of the new policy being adopted by Full Council the risk is very minimal.

### FINANCIAL IMPLICATIONS AND RISKS

In respect to the consultation for revised Statement of Gambling Policy 2020-2023 the current Fees and Charges will continue to be in place. They will be reviewed in line with any statutory and financial requirements.

The Fees and Charges are set to cover the costs of providing the service i.e. licensing gambling premises.

The policy is required to be advertised in a local newspaper for four weeks prior to being formally adopted. The estimated cost of the advert is £2,000 and is currently budgeted for.

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### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no direct Human Resources implications arising from this report.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An equalities assessment has been carried out; there is no significant impact on any of the protected characteristics. The assessment is attached as Appendix 3.



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### **HEALTH AND WELLBEING IMPLICATIONS AND RISKS**

The legislative framework for gambling recognises it as a legitimate leisure activity that many people enjoy; it can be social, fun and as such might have positive impacts on wellbeing. In addition, it generates income, employment and tax revenue, creating employment, which is an important determinant of health and wellbeing.

However, set against this, it can have significant negative impacts on multiple aspects of life including leading to financial loss, debt and working days lost through disordered gambling. It can also affect health and well-being in terms of psychological emotional distress, and impaired family relationships and treatment costs for ill-health caused by stress related to gambling debt or to treat the addiction. There are also potentially very significant impacts such as the negative effects on family relationships, and the psychological and social development of children though these are less easily measured.

The proposed statement of gambling policy is intended to address this negative issue by promoting responsible retailing and ensuring that those that apply for a license consider the impact of their business on this group.

The Gambling Commission have included a new requirement within the Codes of Practice for gambling operators to conduct risk assessments for each of their premises taking into account the individual circumstances of each local area.

The policy requires operators to conduct a local risk assessment and take appropriate measures to protect children and vulnerable persons from harm. This includes considering the location of the premises in relation those frequented by children and vulnerable persons and the provision of information regarding self-exclusion and leaflets/helpline numbers for customers who may have a gambling addiction, from organisations such as GamCare and GambleAware.

### **BACKGROUND PAPERS**

None

### **Appendices**

1. Statement of Gambling Policy 2020-2023
2. Consultation Results Report
3. Equality and Health Impact Assessment

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

Proposal NOT agreed because

**Details of decision maker**

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_