

## Notice of Non-Key Executive Decision

<b>Subject Heading:</b>	<b>Commencement of Consultation on Draft Statement of Gambling Policy 2025-2028</b>
<b>Decision Maker:</b>	<b>Helen Oakerbee,</b> Director of Planning & Public Protection
<b>Cabinet Member:</b>	<b>Councillor Barry Mugglestone</b> Cabinet Member for Environment
<b>ELT Lead:</b>	<b>Helen Oakerbee,</b> Director of Planning & Public Protection
<b>Report Author and contact details:</b>	<b>Kasey Conway</b> Senior Public Protection Officer (Trading Standards & Licensing) Tel. 01708 432 555 Email: Kasey.conway@havering.gov.uk
<b>Policy context:</b>	<b>Gambling Act 2005</b>
<b>Financial summary:</b>	<b>The policy proposals will be funded through the fees charged which must be on a cost recovery basis as set out within the Gambling Fees Regulations.</b>
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Places OSSC
<b>Is this decision exempt from being called-in?</b>	<i>The decision will be exempt from call in as it is a Non key Decision</i>

**Non-key Executive Decision**

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

People - Supporting our residents to stay safe and well **X**

Place - A great place to live, work and enjoy **X**

Resources - Enabling a resident-focused and resilient Council

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

To authorise the commencement of a public consultation process on the Draft Statement of Gambling Policy 2025-2028

### **AUTHORITY UNDER WHICH DECISION IS MADE**

3.3 (1) of the Constitution:

1.1 To take any steps, and take any decisions, necessary for the proper management and administration of their allocated directorate, in accordance with applicable Council policies and procedures

### **STATEMENT OF THE REASONS FOR THE DECISION**

The London Borough of Havering intends to undertake consultation on the draft Statement of Gambling Policy (SGP) in accordance with the Gambling Act 2005 and Regulations as well as the Council's own consultation requirements.

It is a legal requirement under s349 of the Gambling Act 2005 for each licensing authority to prepare a statement of principles that they propose to apply when exercising their licensing function. The Authority is required to review the policy at least every 3 years. The current policy has expired, and we are legally required to publish a new policy for 2025 to 2028.

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.

The Statement of Gambling Policy is the primary document for setting out the Council's local approach to gambling regulation. Officers have reviewed the existing policy and concluded that it would be appropriate to make revisions. The proposed changes to the 2021-23 policy will be shown in tracked changes form to assist the consultation process. A copy of the Appendix 1 Draft Statement of Gambling Policy is included in Appendix 1.

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The Gambling Commission states in the introduction to its Guidance to Licensing Authorities:

*‘The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions. It does not seek to impose a ‘one size fits all’ model across all licensing authorities. We recognise that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Act establishes a high degree of local accountability for gambling regulation.*

*This Guidance does not, therefore, attempt to fetter the discretion that licensing authorities have under the Act and it is not intended to replace their judgement in individual cases. Moreover, this Guidance cannot anticipate every set of circumstances that may arise and, if it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. There should, however, be strong reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.’*

The draft policy, therefore, generally follows the principles laid down in the Gambling Commission’s Guidance to Licensing Authorities.

### Licensing objectives

The Act requires the Authority to carry out its various licensing functions so as to be reasonably consistent with the following three licensing objectives:

- 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling

As required by the Guidance issued by the Gambling Commission, the Council, in carrying out its licensing functions under the Act, will aim to permit the use of premises for gambling as long as it is considered to be: -

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Commission
- reasonably consistent with the licensing objectives, and
- in accordance with this Policy Statement published under section 349 of the Act

Nothing in the Statement of Gambling Policy will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in the draft Statement of Gambling Policy will

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undermine the right of any person to make representations to an application or seek a review of a licence where there is a legal power to do so.

There is no statutory time period for the consultation process. The proposed policy is an update to the existing policy and the proposed amendments are relatively small. It is therefore proposed that the draft Statement of Gambling Policy will be subject to a 42-day consultation period. All comments will be carefully considered and appropriate amendments made where necessary. The Statement of Gambling Policy will then go to Full Council for final approval.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Option 1 - Not to update the current Statement of Gambling Policy

This was rejected, as the authority is required by law to have a Statement of Gambling policy under the Gambling Act 2005.

Option 2 (Recommended)

To consult on the proposed Draft Statement of Gambling Policy.

### **PRE-DECISION CONSULTATION**

**Councillor Barry Mugglestone, Lead Member for Environment, was briefed**

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

Name: Kasey Conway

Designation: Senior Public Protection Officer (Trading Standards & Licensing)

Signature:



Date: 28<sup>th</sup> May 2025

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

There is a legal requirement to consult on any proposals to review the Statement of Gambling Policy every three years under the Gambling Act (2005). This consultation will fulfil the Council's statutory duty. Once responses are received these will have to be carefully considered before any decision is taken.

In line with the *Gunning Principles*, the consultation must be carried out legitimately by ensuring;

- The proposals are still at a 'formative stage' and a final decision has not yet been made, or predetermined, by the decision makers.
- There is sufficient information within the consultation to give 'intelligent consideration'. The information provided related to the consultation must be available, accessible, and easily interpretable for consultees to provide an informed response.
- There must be adequate time for consideration and response. There must be sufficient opportunity for consultees to participate in the consultation. Although there is no set timeframe for consultation, this can vary depending on the subject and extent of impact of the proposals. The consultation is proposed to be undertaken for a period of 42 days which is reasonable and proportionate.
- 'Conscientious consideration' must be given to the consultation responses before a final decision is made.

### FINANCIAL IMPLICATIONS AND RISKS

At this stage of drafting the Gambling Policy, the only financial implications are the cost to the Authority for officer time spent dealing with the administration involved. A consultant has been used to help draft the Policy at a cost of £5k.

The current Policy expired in 2023; Havering are currently operating without an in-date Policy. This poses a reputational risk to the Authority. There is also a possibility that anyone who submits an application under the Gambling Act 2005 could challenge the requirements and expectations set out due to the Policy being out of date.

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

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce

### EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

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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 EqHIA (Equality and Health Impact Assessment) is usually carried out and on this occasion isn't required/attached

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

There are not equalities and social inclusion implications and risks associated with this decision.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

This is an update of an existing policy with no additional risk to the environment and climate implications. Respondents will be encouraged to complete the consultation electronically to reduce paper consumption and waste.

### **BACKGROUND PAPERS**

**None**

### **APPENDICES**

**N/A**

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**Part C – Record of decision**

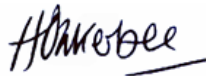
I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed

A handwritten signature in black ink, appearing to read 'H Oakerbee', with a horizontal line underneath.

Name: Helen Oakerbee, Director of Planning and Public Protection

Date: 16 July 2025

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

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

Signed \_\_\_\_\_