

**Report for:** Cabinet - 12<sup>th</sup> February 2019

**Title:** Outcome of consultation on revised Statement of Licensing Policy for Gambling Act 2005.

**Report**

**authorised by :** Stephen McDonnell – Director Commercial & Operations

**Environmental Services & Community Safety**

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**Ward(s) affected:** 'All'

**Report for Key/**

**Non Key Decision: Key Decision**

**1. Describe the issue under consideration**

- 1.1 Under Section 349 of the Gambling Act 2005, a Licensing Policy statement must be produced and published every three years The Licensing Authority is required to consult various specified authorities in revising its Gambling Policy Statement.
- 1.2 The Council's Statement of Gambling Policy for the Gambling Act 2005 for the years 2019-2022 needs to be approved and this report advises of the outcome of the consultation and seeks Cabinet's approval for the draft policy in order that it can be recommended to Full Council for adoption.
- 1.3 The review puts in place background information for the Local Area Profiles. These profiles will provide a good evidence base of gambling in the local area and help identify any future risks, which will inform the decision making process.

**2. Cabinet Member Introduction**

- 2.1 The Gambling Policy is a policy framework document and is required to be revised, consulted and adopted every 3 years. Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of policy that they propose to apply in exercising their functions under the Act during the term to which the policy applies. Working together with partners, Haringey has developed this document with due regard to all available regulations, conditions, codes of practice, statutory guidance, practical experience of legislation and any consultee responses.
- 2.2 Haringey Council takes its responsibilities as a licensing authority very seriously and has strongly opposed the proliferation of betting shops, particularly on the borough's High Street. We welcome the positive effects of considering Local Area Profiles. We consider this to be a valuable tool to enable Haringey to fully assess the impact of betting within our communities.

### 3. **Recommendations**

That Cabinet:

- 3.1 Consider and take into account the outcome of the consultation on the draft Statement of Gambling Policy set out in paragraph 8.3 and Appendix 3 of the report and the Equality Impact Assessment screening tool set out in Appendix 4.
- 3.2 Note the supplementary guidance containing the local area profile information at Appendix 2;
- 3.3 Approve the draft Statement of Gambling Policy in Appendix 1; and
- 3.4 recommend to Full Council to approve and adopt the Policy.

### 4. **Reasons for decision**

The Council is obliged to review and adopt a Statement of Licensing Policy for Gambling every three years, the current policy expired in January 2019. Therefore a new policy has to be adopted.

### 5. **Alternative options considered**

No alternatives were considered. It is a legislative requirement that the policy be reviewed at least every three years, and that a public consultation is carried out. Failure to review and adopt the Statement of Gambling Policy would result in the Council failing to comply with legislation.

### 6. **Background information**

- 6.1 The revised policy statement 2019-2022, retains the vast majority of the current policy, but has been updated to reflect practical changes that have arisen since its publication including statutory guidance. The local police as a Responsible Authority have been consulted and have contributed to the development of new policy.
- 6.2 Although changes have been made to the Licence Conditions and Codes of Practice (LCCP) there have been no changes to the Gambling Act with respect to the three licensing objectives remaining the same. They are:
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 6.3 As a Licensing Authority we are required by the Licensing Act to aim to permit the use of premises for gambling in so far as the authority think it:

- (a) in accordance with the LCCP;
- (b) in accordance with the guidance issued by the Commission;
- (c) reasonably consistent with the licensing objectives; and
- (d) in accordance with the statement published by the authority under Section 349 of the Gambling Act 2005.

- 6.4 As part of the new changes reflected within this policy is the need for all applicants for gambling premises licences to submit an accompanying risk assessment. This change enables the Council to better capture equalities considerations and mitigating actions e.g. the risk assessment should consider whether the premises is located near to areas with high numbers of children and young people, include measures to reduce access for known vulnerable groups and consider local crime statistics, demography and deprivation levels.
- 6.5 The draft revised policy and the Local Area Profile Supplementary document at Appendix 2 establishes that the Council has serious concerns of the impact from on street gambling premises particularly those in the most vulnerable and 'at risk' areas of the borough. The Council considers that it may be necessary to seek to control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk whilst balancing and considering the aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives.
- 6.6 All areas shown within the local area profile as being at high overall risk of gambling related harm, are generally considered inappropriate for further gambling establishments, which could potentially raise the risk of gambling related harm to vulnerable people living in those areas. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives and the local risks identified.

## **7 Proposed changes**

- 7.1 There are a number of changes and amendments to the policy that are highlighted in the draft document. The changes reflect the update in the Guidance published by the Gambling Commission(GC) Guidance published by the Gambling Commission. The draft policy is attached at Appendix 1.
- 7.2 There are no changes to the direction or intent of the policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision-making.
- 7.3 The draft policy refers to Local Area Profiles as encouraged by the latest GC guidance. It recommends improvement to the approach to gambling licensing and regulation by:
- Increased focus on risk and regulation.
  - Increased attention to local area risk.
  - Encourage patnership and collaboration between stakeholders to mitigate risks.
- 7.4 All industry operators have had to undertake local area risk assessments to

explore what risks their gambling establishments pose to the licensing objectives, including the protection of young and vulnerable people. The Local Area Profile, acts as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments.

7.5 The policy statement now has the supplementary guidance on the Council's expectations around operators local risk assessments. This will enable the Council to regulate local gambling more effectively by being able to hold operators to account if their assessments fall short of the Council's expectations.

7.6 The updated policy includes a revised format of the policy document and changes are as follows:

- Foreword - New lead Member commentary
- New index page
- Section 1.1 - Updates introduction to the document / Address updated
- Section 1.7 - Consultation updated section
- Section 2 - Objectives updated section
- Section 6 – Update for information sharing
- Section 6.3 – Gambling Prevalence
- Section 11 – Application of the social responsibility codes
- Section 12 – Location
- Section 14 – Conditions
- Part E – Enforcement and Reviews
- Supplementary document – Graphs and background information on local area profile across the borough

7.7 The policy has been subject to a 10 week consultation with stakeholders.

## 8.0 Consultation Outcome

8.1 The Gambling Act 2005 contains details of the consultees that are to be consulted as part of the review of the policy. These are:

- The Chief Officer of Police for the authority's area;
- 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 of 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.

8.2 All of the above were consulted and had input into the drafting in addition the following were also included in the consultation:

- Holders of licences issued under the Gambling Act 2005;
- Trade Associations representing the gambling industry;
- Haringey Social Services;
- Haringey Public Health Directorate;

- Residents Associations; and
- Faith Groups.

8.3 A response was received from Cllr Mitchell representing Woodside Ward regarding the cluster of betting shops in Lordship Lane. Cllr Mitchell highlights the crime stats raised in the supplementary documents that refer to betting shops along Lordship Lane, some of the betting premises are located in Woodside and some in Noel Park Ward. After seeking clarification from the Police the crime stats represent the betting shops in both areas. The Local Area Profile document will have Woodside Ward added as an area that the Council expect further consideration from the betting operators who operate or seek to operate in this area. The response to the consultation is set out at Appendix 3

## 9.0 Contribution to strategic outcomes

9.1 Priority 3 of the Corporate Plan - A clean, well maintained and safe borough where people are proud to live and work.

Objective 1 - Strengthening Communities and partnerships to improve our environment and reduce crime, enabling residents and traders to feel safe and proud of where they live. This will be delivered by effectively working with community networks, such as traders and residents associations and working in partnership with police colleagues. For gambling premises this may be achieved through better CCTV provisions, operating a local Bet Watch Scheme for the trade.

Objective 2 – To make our streets, parks and estates, clean, well maintained and safe. Gambling premises would be visited to ensure that they had waste contracts and were disposing of their rubbish via suitable arrangements.

Objective 4- To prevent and reduce violence against women and girls. This will be delivered by raising awareness with the boroughs licence holders of the issues and scale of Violence Against Women & Girls.

Objective 5 – To work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity. This will be delivered by working in partnership with police colleagues, schools and residents and businesses.

9.2 The above priorities and objectives are underpinned by a number of cross – cutting principles, namely:

- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed;
- A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
- Working together with our communities – building resilient communities where people are able to help themselves and support each other;
- Value for Money – achieving the best outcome from the investment made;
- Customer focus – placing our customers needs at the centre of what we do;
- Working in partnership – delivering with and through others.

## **10 Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **10.1 Finance and Procurement**

The statutory consultation and adoption costs will be met from existing budgets. There are no other financial implications.

### **10.2 Legal**

10.3 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.

10.4 In accordance with section 349 of the Gambling Act 2005 the Council, as licensing authority, is required at least every 3 years to prepare and publish its statement of Gambling Policy. The attached Policy Statement complies with the revised Gambling Commission Guidance.

10.5 In preparing its Policy Statement the Council is required to consult with the consultees listed at paragraph 8.2 of this report and in accordance with the so called Sedley Principles the outcome of any consultation must be conscientiously taken into account by the Cabinet in arriving at a decision.

10.6 Under Regulations 4(1) (a) and (2) of the Local Authorities (Functions and Responsibilities) (England) Regs 2000, Cabinet must be involved in the formulation/ preparation of the Gambling Policy. The Policy therefore has to be reviewed by Cabinet first, before recommendation to Full Council for adoption.

## **11 Equality**

11.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

11.2 The decision is to approve the Council's draft Statement of Gambling Policy for the years 2019-2022 in order that it can be recommended to Full Council for adoption.

11.3 The current EQiA Screening Tool does not show any negative impact on groups or individuals with protected characteristics. There is scope to have a positive impact in terms of age (the protecting children objective). There is a fundamental lack of data around service users which limits the equality analysis. In mitigation the fact that the local area profiles supplementary document will be kept up to date, will help to provide betting operators with a greater understanding of local areas. The EQiA Screening Tool is shown at Appendix 4.

#### **11.4 Use of Appendices**

**Appendix 1- Haringey Statement of Licensing Policy for the Gambling Act 2019-2022**

**Appendix 2- Local Area Profile**

**Appendix 3 - Consultation Response**

**Appendix 4 – EQIA Screening Tool**

#### **12.0 Local Government (Access to Information) Act 1985**

**N/A**