

**Report for:** Cabinet

**Item number:** 18

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

**Report**

**authorised by :** Stephen McDonnell – AD 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. It must be reviewed from time to time over the three year period and may be revised during the period taking into account any relevant changes brought by guidance issued by the government. 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 2016-2019 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 Members are asked to note the implications for the next review in 2016, where it will be a requirement in future to create 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
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and has strongly opposed the proliferation of betting shops, particularly on the borough's High Street. We welcome the forthcoming amendments to the Licensing Condition Codes of Practice which will see Local Area Profiles coming into effect in April 2016. We consider the new conditions to be a valuable tool to enable local authorities to fully assess the impact of betting within our communities. Haringey will undertake a further review of this policy in 2016 to ensure data on gambling related matters are evidenced in future policies.

### **3. Recommendations**

That Cabinet:

- 3.1 Note and agree the responses to the consultation as set out in paragraphs 6.9 - 6.12 and at Appendix 2.
- 3.2 Approve the draft Statement of Gambling Policy at Appendix 1 in order that it can be recommended to Full Council for adoption.
- 3.3 In coming to their decision in 3.2 above note and take account of the EQiA set out at Appendix 3.

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

The Council is obliged to review and adopt a statement every three years, the current policy will expire in January 2016. 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 2016-2019, retains the vast majority of the current policy, but has been updated to reflect practical changes that have arisen since its publication. The local police as a Responsible Authority have been consulted and have contributed to the development of new policy. The Guidance to Licensing Authorities is now in its fifth revision.
- 6.2 Although changes have been made to the LCCP (Licence Conditions and Codes of Practice) and there are changes pending within the guidance there have been no changes to the Gambling Act with 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 The Gambling Commission intends to publish new guidance in April 2016, and in light of this the Council will undertake a further review of its gambling policy in 2016. 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 (pending guidance) will enable 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. It should be noted that in future Local Area profiles will need to be completed as part of this process. The role of Local Area Profiles is set out in paragraphs 7.4 to 7.6 of this report.

6.5 Haringey's revised policy for 2016-2019 addresses formatting changes and various other issues as listed below:

- Para 1.3 – Information on gambling data from the Prevalence Survey and outcome of the Scrutiny Review undertaken by Haringey in 2011;
- Para 2.8 – inserted to explain what social responsibility is as defined in the Gambling Commission Guidance;
- Para 2.9 – highlights that further changes are expected next year in terms of guidance from Gambling Commission to allow for the consideration of Local Area Profiles. It should be noted that this is not a change in the law and the need to aim to permit is still the overriding factor;
- The latest updated stakes and prizes amounts and machine category chart can be found on page 33 and 34 at the back of the document.

## 7.0 Consultation Outcome

7.1 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.

7.2 All of the above were consulted and 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.

7.3 All responses that were received were from representatives of the betting industry. The detailed responses are attached at Appendix 2, but are summarised below:

- (i) Consultee Response: Comments were made on the inclusion of the Prevalance Survey data where it was felt by the betting industry that this date should not be included in the policy as it speaks to national data as opposed to local data.

Council's Response (Not Agreed) – The Council's view is that this information is to provide background context for any decision and will remain in the policy document.

- (ii) Consultee Response: Comments were made regarding the siting of future betting shops, which raised concerns that the policy sought or could exclude betting shopS from specific areas.

Council's Response (Agreed) -This wording has been removed as it may be viewed as unlawful.

- (iii) Consultee Response - Request to update wording to make clear that proof of right to occupy no longer applies to Provosional statement applications.

Council's Response (Agreed): The policy has been redrafted in the Provisional Statement to reflect the fact that applicants no longer need to have the right to occupy in order to use this process.

- (iii) Consultee Response: Request that no additional conditions should be imposed on licences above the standard ones.

Council's Response (Not Agreed)-The Council is clear that it must consider each case on its merits and will attach conditions if they are evidenced based. No change to policy.

## 7.4 Local Area Profiles

7.5 All the letters of representation speak to the new Licensing Conditions and Codes of Practice coming into effect in April 2016, requiring Local Authorities to create Local Area Profiles for their borough.

7.6 Local Area Profiles will involve collecting gambling data specific to an area to help inform applicants when completing their risk assessments. The process will help understanding of the potential risks associated with gambling within an area, which could include:

- Crime statistics;
- Areas of Deprivation;
- The different types of people who may be potentially vulnerable to harm, including:
  - Mental health prevalence (for example, common mental disorder/substance abuse/misuse/ psychosis) ;
  - Significant ethnic groups;
  - Significant life-stage age groups (for example, children, emerging adults);
  - Financial problems (for example, debt, credit environment, need of financial support);
  - Housing instability (for example, tenure, homelessness).
  - Alcohol consumption;
  - Employment and income considerations;

7.7 There is no prescriptive requirement and different authorities are likely to approach the development of Local Area Profiles in different ways. In Haringey (like many other authorities) there is no data collected at a local level about gambling and to collect this would require a significant investment. Westminster and Manchester councils have joined up to produce theirs, using an external research organisation called Geofutures. Haringey will be looking to work in partnership to develop such an approach.

## 8.0 Contribution to strategic outcomes

8.1 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 VAWG.

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.

- 8.2 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.

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

### 9.1 Finance and Procurement

There are no other financial implications.

### 9.2 Legal

- (i) The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.
- (ii) 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. In preparing its statement the Council is required to consult with the consultees listed at paragraph 7.1 of this report.
- (iii) 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.

### 9.3 Equality

- 9.4 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;

- 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.

9.5 The current EQiA 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 policy will be regularly monitored and reviewed and that the council may be in a position to carry out some data analysis in 2016 to create local area profiles will greatly improve our position. The EQiA is shown at Appendix 3.

9.6 When framing its policy on the licensing of gambling premises, the Council must work within the statutory parameters of the Gambling Act, which includes a general 'aim to permit'.

## **10.0 Use of Appendices**

**Appendix 1- Haringey Statement of Licensing Policy for the Gambling act 2016-2019**

**Appendix 2- Consultation outcome and impact**

**Appendix 3- Equalities Impact assessment**

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

**N/A**