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**MUNICIPAL YEAR 2018/2019 REPORT NO.**

**MEETING TITLE AND DATE:**

Full Licensing Committee  
26 September 2018

**REPORT OF:**

Principal Licensing Officer

<b>Agenda – Part 1</b>	<b>Item: 4</b>
<b>Subject:</b> <b>Gambling Act 2005 – Enfield’s Licensing Policy</b> <b>Wards: All</b>	
<b>Cabinet Member consulted: Cllr Dogan</b>  <b>Chairman of Licensing Committee consulted: Cllr Bond</b>	

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**1. Executive Summary**

- 1.1 The Council has a statutory duty, following public consultation, to publish its licensing policy Gambling Act 2005 every three years.
- 1.2 The Council may also, every three years, resolve not to issue casino premises licences under the Gambling Act 2005.

**2. Recommendations**

- 2.1 To note the results of the public consultation and amendments made to the proposed Statement of Principles, under the Gambling At 2005.
- 2.2 To approve the Statement of Principles, under the Gambling At 2005, attached as Appendix 1.
- 2.3 To resolve not to issue casino premises licences, under the Gambling Act 2005.

## **GAMBLING ACT 2005 - GAMBLING POLICY & CASINO RESOLUTION**

### **Overview**

1. The Council has a statutory duty, following public consultation, to publish its gambling policy under the Gambling Act 2005 every three years.
2. The existing policy (attached) was last approved by Council on 30 January 2016.
3. The Council may also, every three years, resolve not to issue casino premises licences under the Gambling Act 2005.
4. On 30 January 2016 Council resolved not to issue casino premises licences under the Gambling Act 2005.
5. The main changes to this policy reflect the changes in the latest version of the Gambling Commission's Guidance document. Statistics and mapping data within the policy have been removed from the document and attached as a separate document, to enable updates to statistics to be carried out without the need for consultation.
6. A public consultation took place between 30 July 2018 and 7 September 2018.
7. Full Council must approve the new gambling policy by the end of January 2019.

### **Existing Policy & Resolution**

8. Since January 2016 we have received 330 gambling licence applications. However only 21 of these applications (6.4%) were applications for variation of existing licences which *could* have been subject to objections and *could* have been referred to the Licensing Sub-Committee. In the event none of these applications received objections and none were referred to a Sub-Committee hearing.
9. Since January 2016 we have not received any applications (from our partner agencies or from local residents or businesses) to review any gambling licences in Enfield.
10. Since January 2016 we have not received any applications for casino licences in Enfield.
11. In light of the above, we are heartened that our partner agencies (as well as local residents and businesses) are generally satisfied with the existing gambling policy relating to the no casino resolution.
12. In 2016 there were 80 licensed betting shops in the borough. Since 2016, there have been no new applications for additional betting shops to be licensed, but in the same period 3 betting shops have closed. Therefore, currently, there are 77 licensed betting shops in the borough.

13. Since January 2016, every gambling premises has been inspected on a yearly basis and in general, overall compliance has been achieved, which includes operators producing independent local risk assessments to a satisfactory level. We have received very few complaints in that time, namely two which related to underage gambling. The operators themselves reported the matter to the Gambling Commission who in turn notified the Council.
14. Please note that the Gambling Act 2005 prohibits the Council from adopting any gambling policy to address the cumulative impact of betting shops 'clustering' together.

### **General**

15. The policy previously referred to the Guidance to licensing authorities 5<sup>th</sup> edition, published September 2015. This Guidance was updated in April 2018, so reference to the newer version has been included.
16. A summary of the changes in the updated Guidance and have been included in this updated policy are:
  - A commitment to proactive enforcement and to undertake at least yearly inspections of licences premises, as well as responding to complaints;
  - To promote, refer to and have consideration to the Gambling Commission's updated Guidance to Local Authorities and the Licence Conditions and Codes of Practice (LCCP) in effect from April 2018. The previous policy referred to the Guidance published in May 2015.
17. This policy has updated statistical data provided by the NatCen report April 2017 – the previous policy refers to data from the NatCen 2014 report. This data refers to gambling trends.
18. This new policy provides more information on what is required by the Gambling Commission's "Code of practice for gaming machines in clubs and premises with an alcohol licence".
19. Reference is made in this policy to the DCMS proposed changes to gaming machine stakes and prizes, which is still to be legally formalised. Therefore, a statement has been given to demonstrate our awareness to enforce the changes in due course.
20. The policy provides more details as to what is required for a plan which is submitted upon application. This is in response to the general standard of plans and enquiries to the licensing team.
21. Local area profile: The statement includes an explanation about the removal of the local area profile from the body of the main policy and instead will be presented alongside the policy. The local area profile has been updated, and includes data relating to sensitive buildings, such as schools, clinics and areas of

unemployment for example. This has allowed hot spot areas to be identified of those potentially at higher risk of being exposed to gambling premises.

22. In summary, the changes are mainly to reflect the guidance by the Gambling Commission, which the gambling industry must adhere to whether in our policy or not, as the Gambling Commission are the leading authority on these matters. A further main change is the improved layout of the policy, and update on statistics. In essence, there are certainly no changes that affect our procedures, nor does it make maintaining existing licences or applying for new licences any easier or more difficult. It simply is updating the policy and providing more information to assist our operators.

## **Public Consultation**

- 6.1 The Gambling Commission recommend a consultation period for Licensing Authority's Gambling Act policy statements of between 2-12 weeks. Our consultation took place between 30 July 2018 and 7 September 2018 (6 weeks) which will meet the deadlines for adoption and publication of the new policy before 30 January 2019 (adoption at the 21 November 2018 Council meeting).
- 6.2 Seven responses were received during the consultation period. They comprised the following:
- 4 were received from residents,
  - 1 from an organisation supporting persons with gambling related harm (Gamcare),
  - 1 from the Association of British Bookmakers (ABB – represents over 80% of high street betting market such as William Hill, Ladbrokes, Coral, Paddy Power and almost 100 smaller independents), and
  - 1 from Enfield Council's Public Health Team.
- 6.3 A summary of the responses to the consultation is provided in Appendix 3 and includes a summary of the amendments made to the proposed Gambling Act policy as a result of feedback received during the public consultation. The proposed policy is at Appendix 1 and the Local Area Profile is in Appendix 2.
- 6.4 The views were from the general public and Public Health generally agreed with the "no casino" resolution and wanted to restrict the number of betting shops within an area. The remaining comments referred to making the wording in the policy clearer to replicate the LCCP.
- 6.5 The proposed policy was amended as considered necessary in the light of the feedback received and is detailed in Appendix 3.

## **7. Alternative Options Considered**

None.

## **8. Reasons for Recommendations**

To recommend the 5<sup>th</sup> Edition Gambling Policy be approved by the Licensing Committee and resolve a “no casino resolution”. The same proposals will be put forward for approval by full Council, this will meet the Council’s statutory responsibilities.

## **9. Comments of the Director of Finance, Resources and Customer Services and Other Departments**

### **9.1 Financial Implications**

9.1.1 Not applicable for Licensing Committee stage

### **9.2 Legal Implications**

Not applicable for Licensing Committee stage

## **10 Key Risks**

Not applicable for Licensing Committee stage

## **11 Impact on Council Priorities**

### **11.1 Fairness for All**

Not applicable for Licensing Committee stage

### **11.2 Growth and Sustainability**

Not applicable for Licensing Committee stage

### **11.3 Strong Communities**

Not applicable for Licensing Committee stage

## **12 EQUALITIES IMPACT IMPLICATIONS**

Not applicable for Licensing Committee stage

## **13 PERFORMANCE MANAGEMENT IMPLICATIONS**

Not applicable for Licensing Committee stage

## **14 PUBLIC HEALTH IMPLICATIONS**

Not applicable for Licensing Committee stage

## **Background Papers**

Guidance for Licensing Authorities – Gambling Commission:

<https://www.gamblingcommission.gov.uk/PDF/GLA5.pdf>

Licence conditions and codes of practice – Gambling Commission:

<https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice-April-2018.pdf>

Current Statement of Principles (4<sup>th</sup> Edition):

<https://new.enfield.gov.uk/services/business-and-licensing/information-advice-and-support/licensing-policies/licencing-policy-4th-edition-statement-of-principles-1.12.15-pdf.pdf>