

MUNICIPAL YEAR 2018/2019 REPORT NO. 118

MEETING TITLE AND DATE:

**Council – 21 November
2018**

REPORT OF:

Director of Environment &
Operational Services

Agenda – Part:1

Item:

Subject:

**Approval of the Gambling Act policy and
No Casino Resolution**

Wards: ALL

Key Decision No: KD 4763

Cabinet Member consulted: Cllr Dogan

Contact officer and telephone number:

Name & Division: Ellie Green, Licensing Team, Regulatory Services

Telephone: 020 8379 8543

E-mail: ellie.green@enfield.gov.uk / sue.mcdaid@enfield.gov.uk

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 Act 2005.
- 2.2 To approve the Statement of Principles, under the Gambling At 2005, attached as Annex 1 and the Local Area Profile attached as Annex 2.
- 2.3 To resolve not to issue casino premises licences, under the Gambling Act 2005.

3. BACKGROUND

- 3.1 The Council has a statutory duty, following public consultation, to publish its gambling policy under the Gambling Act 2005 every three years.
- 3.2 The existing policy (attached) was last approved by Council on 30 January 2016.
- 3.3 The Council may also, every three years, resolve not to issue casino premises licences under the Gambling Act 2005.
- 3.4 On 30 January 2016 Council resolved not to issue casino premises licences under the Gambling Act 2005.
- 3.5 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.
- 3.6 A public consultation took place between 30 July 2018 and 7 September 2018.
- 3.7 At the full Licensing Committee meeting on 26 September 2018, Members:
 - (i) Noted the results of the public consultation and the amendments to the Statement of Principles;
 - (ii) Approved the 5th edition Statement of Principles (Annex 1) and Local Area Profile (Annex 2);
 - (iii) Approved the recommendation for a Resolution not to issue casino premises licences under the Gambling Act 2005.
- 3.8 Full Council must approve the new gambling policy and no casinos resolution by the end of January 2019. This is listed for the full council meeting on 21 November 2018.

Existing Policy & Resolution

- 3.9 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.

- 3.10 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.
- 3.11 Since January 2016 we have not received any applications for casino licences in Enfield.
- 3.12 In light of the above, our partner agencies (as well as local residents and businesses) appear generally satisfied with the existing gambling policy whilst understanding that the Gambling Act is geared towards a presumption of granting gambling licences unless the licensing objectives are not met.
- 3.13 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.
- 3.14 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.
- 3.15 It should be noted that the Gambling Act 2005 prohibits the Council from adopting any gambling policy to address the cumulative impact of betting shops 'clustering' together.

General – Amendments made to the Council's existing Gambling Act policy

- 3.16 The policy previously referred to the Guidance to licensing authorities 5th edition, published September 2015. This Guidance was updated in April 2018, so reference to the newer version has been included.
- 3.17 A summary of the changes in the updated Guidance which have been included in this updated Council policy are:
- A commitment to proactive enforcement and to undertake at least yearly inspections of licenced 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.

- 3.18 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.
- 3.19 This new policy provides more information about what is required by the Gambling Commission’s “Code of practice for gaming machines in clubs and premises with an alcohol licence”.
- 3.20 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 inserted to demonstrate our awareness to enforce the changes in due course.
- 3.21 The policy provides more details as to what is required for a plan of the premises which is submitted upon application. This is in response to the general standard of plans and enquiries to the licensing team.
- 3.22 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.
- 3.23 In summary, the changes are mainly to reflect the updated 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 gambling premises operators.

Public Consultation

- 3.24 The public 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).
- 3.25 Seven responses were received during the consultation period. They compromised 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.
- 3.26 A summary of the responses to the consultation is provided in Annex 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.
- 3.27 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.
- 3.28 The proposed policy was amended as considered necessary in the light of the feedback received and is detailed in Annex 3.

4. ALTERNATIVE OPTIONS CONSIDERED

There is no suitable alternative. It is a legal requirement to consult on, and approve, a policy under the Gambling Act 2005 every 3 years.

5. REASONS FOR RECOMMENDATIONS

To recommend the 5th 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.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

Through the issuing of licences in line with the Gambling Act the Council receives circa. £50k per annum which contributes towards the operation of the licensing service. The recommended changes to the Gambling Act policy proposed in this report will not impact on the level of income that the Council currently receives.

6.2 Legal Implications

- 6.2.1 Under section 349 of the Gambling Act 2005 the council are required to review their Gambling Policy every 3 years. It is possible to challenge the policy adopted by judicial review.

6.2.2 Under section 166 of the Gambling Act 2005 the Council can adopt a “no casinos” resolution. If this is not renewed every 3 years it automatically lapses. Since the Gambling Act 2005 came into force the council has always chosen to adopt such a resolution. It is possible to challenge the “no casinos” resolution adopted by judicial review.

6.3 Property Implications

There are no property implications.

7. KEY RISKS

The key risk is that the policy (statement of principles) and ‘no casino’ resolution are not approved and published by 30 January 2019 as required by the Gambling Act 2005. If not, the ‘no casino’ resolution will lapse and the Council will be non-compliant by not having a revised statement of principles in place.

8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1 Good homes in well-connected neighbourhoods

The Policy and ‘no casinos’ resolution sets an expectation that gambling premises should be well managed and regulated. This is particularly important in the most deprived areas in the borough to help address inequality in terms of health and other factors experienced in these areas.

8.2 Sustain strong and healthy communities

Well-regulated and responsibly operated gaming premises will not impact negatively on the community and give rise to concerns about crime and antisocial behaviour.

8.3 Build our local economy to create a thriving place

Well operated gambling premises can contribute towards the business growth in the local economy and provide opportunities for local employment.

9. EQUALITIES IMPACT IMPLICATIONS

Corporate advice has been sought in regard to equalities, and an agreement has been reached that, on this occasion, an equalities impact assessment/analysis is not relevant or proportionate for the approval of this Statement of Principles.

However, the policy will contribute towards protection of vulnerable residents, those on low incomes and problematic gamblers by maximising the protections available in the Gambling Act.

10. PERFORMANCE AND DATA IMPLICATIONS

The Policy details the Council's approach to regulation of gambling in the borough. It will underpin the soundness of decisions taken in relation to applications for premises for gambling.

11. HEALTH AND SAFETY IMPLICATIONS

There are no health and safety implications

12. HR IMPLICATIONS

There are no human resources implications

13. PUBLIC HEALTH IMPLICATIONS

Gambling is associated with areas of deprivation. By definition areas of deprivation are those which are least able to afford losses of income. The clear implication therefore is that controlling gambling within what is permissible in the Gambling Act will help to reduce the harm of gambling, particularly in our most deprived communities.

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 (4th 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>