

Consultation on the Review of Westminster City Council

Statement of Gambling Policy

Review of Statement of Principles under Section 349 of the Gambling Act 2005

1. Under section 349 of the Gambling Act 2005 (the Act) the council is required to publish a statement of principles (Gambling Policy) which it proposes to apply when exercising its functions under the Act. The current policy can be accessed at <http://www.westminster.gov.uk/services/business/businessandstreettradinglicences/gambling/statement/>
2. The Act requires the council to review its gambling policy every 3 years. The current policy has been effective since January 2010. This consultation to review the current policy is open until 14 September 2012.
3. In general terms, the policy has worked effectively to promote the 3 licensing objectives set out in the Act, which are;
 - a. Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime and disorder;
 - b. Ensuring that gambling is conducted in a fair and open way
 - c. Protecting children and other vulnerable persons from being harmed or exploited by gambling
4. In licensing premises for gambling the council is subject to section 153 of the Act which provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it
 - a. In accordance with any relevant code of practice (issued by the secretary of state)
 - b. In accordance with any relevant guidance issued by the gambling commission
 - c. Reasonably consistent with the licensing objectives (subject to a. and b. above), and

- d. In accordance with its licensing policy (subject to a. to c. above)
5. Section 153 of the Act also makes it clear that in deciding whether or not to grant a licence, the licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.
6. In determining its policy, the licensing authority must have regard to Guidance to Licensing Authorities issued by the Gambling Commission. This Guidance includes the statement that “in relation to premises licensing, licensing authorities can only consider matters within the scope of the Guidance, Act and Codes of Practice. Even if there is a large response regarding a certain issue, the authority may be unable to deal with the issue under the Gambling Act. However the issue may be a matter for other legislation, for example planning.”
7. For the reasons above, the council’s discretion in regulating gambling premises is more restricted than in most other licensing regimes, and the council’s ability to limit or control gambling premises is comparatively limited.
8. During the operation of its current Gambling policy since 2010, the council has identified 4 issues relating to the licensing of betting shops which have given rise to concern relating to gambling in Westminster and would wish to address in the review of its gambling policy. These issues relate to
 - a. The concentration (or density) of betting shops in an area
 - b. The extension of opening hours for betting shops
 - c. The association with crime and disorder in the vicinity of betting shops
 - d. The primary use of betting shops and provision of gaming machines

The concentration (or density) of betting shops in an area

9. Westminster has seen an overall increase in the number of betting shops since 2010 from 149 to 160. Of itself, this increase has not given rise to concern, but objections to the concentration of betting shops within a relatively small area of the city have been received. These objections have related to concerns both about the increased availability of gambling facilities, particularly gaming machines, and the detrimental effect on vulnerable persons working there in an area such as Chinatown, and as places where people tend to congregate, for example on the Harrow Road, and which can lead to disorder.
10. The review of the gambling policy therefore seeks to examine the scope and desirability to control the concentration of betting shops within areas of the city so as to promote the licensing objectives.

The extension of opening hours for betting shops

11. The Act imposes a default condition which applies to all betting shop premises. This provides that gambling facilities may not be offered in betting premises between the hours of 22.00 and 07.00 on any day.
12. The council does however have the power to exclude from a premises licence this default condition, and impose other conditions on the licence. By exercising this power is able to extend the hours of operation of a betting shop.
13. Since 2010 the council has, on application by the licence holder, excluded the default condition and extended the operating hours of betting shops at 14 premises. These extensions have permitted gambling up to midnight.
14. Concern has been expressed however about the proliferation of late night gambling facilities, particularly in areas where there are large numbers of late night alcohol led premises and areas identified by the council as under stress because of the cumulative impact of such premises. The late opening of betting shops could undermine the dispersal of people from stress areas and could give rise to flash points of crime and disorder. Concern has also been raised about the increased vulnerability of persons who may gamble after drinking.
15. The review of the gambling policy therefore seeks to examine the scope and desirability to control the extension of hours of betting shop premises. Whilst individual applications would always be considered on their merits, possible policy options would include (i) not extending hours beyond the default hours of 22.00, (ii) not extending hours beyond “core hours” i.e. Monday to Thursday 23.30, Friday and Saturday 00.00, and Sunday 22.30, or (iii) having no restriction on the extension of hours of betting premises.
16. The review of policy will also examine whether further conditions relating to the licensing objectives may be necessary if any extension of hours at betting shop premises is authorised.

The association with crime and disorder in the vicinity of betting shops

17. Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime and disorder is one of the gambling licensing objectives. Concerns have been expressed about the incidence of crime in the vicinity of betting shops, particularly where groups of people loiter in or around a betting shop.

18. The review of policy will examine provisions in the current policy to see whether any revision is necessary to address these concerns.

The primary use of betting shops and provision of gaming machines

19. Concern has been expressed about the provision of gaming machines in betting shops and the maintenance of betting as the primary gambling activity at all times that the premises is offering facilities for gambling. These concerns have especially been raised in relation to premises where operating hours have been extended.
20. The policy review will examine provisions in the current policy to see whether any revision is necessary to address these concerns.

Other issues

21. The policy review will also look to update the policy generally to reflect changes in the law which have occurred since last reviewed, and take into account revised guidance and other council policies.
22. The policy review will also consider any other issues raised by consultees relevant to the policy statement, and revise the policy where the council considers it appropriate.
23. Consultation closes on 14th September 2012. Please send responses to licensingconsultation@westminster.gov.uk or by post to Chris Wroe, Licensing Policy Manager, Westminster City Council, City Hall, 64 Victoria Street, London SW1E 6QP.