



# Licensing Committee Report

<b>Date</b>	04 July 2018
<b>Classification</b>	For General Release
<b>Title or report</b>	Gambling Policy Review and Public Consultation Approach
<b>Joint report of</b>	Director of Policy, Performance and Communications and Director of Public Protection and Licensing
<b>Decision maker</b>	Licensing Committee
<b>Wards involved</b>	All
<b>Financial summary</b>	N/A
<b>Report author and telephone</b>	Mr Kerry Simpkin – Interim Licensing Policy and Strategy Manager Telephone: 020 7641 1840

## 1 Executive Summary

- 1.1 The report sets out the key approaches to the development of the Council’s new Statement of Gambling Principles (gambling policy) under the Gambling Act 2005 (the Act). Officers are seeking the Committees views on a draft proposal to introduce a formalised voluntary approach for operators to promote engagement with the local community before submitting a formal application to the council.
- 1.2 The Council have updated its vulnerability index maps with the latest data. These new maps will form the basis for the local area profile within the new gambling policy.
- 1.3 A provisional timeline for public consultation has been established to meet the requirements for the implementation of the new policy in January 2019.

## 2. Recommendations

- 2.1 The Committee views are sought on:
  - 2.1.1 The proposal to include a Community Impact Assessment process, set out within part 6 of this report within the draft gambling policy, and
  - 2.1.2 The proposed public consultation approach, as set out in part 7 to this report

### **3. Background**

- 3.1 The Licensing Committee considered a report on the proposals for the review of the Councils gambling policy on the 21<sup>st</sup> March 2018. The Council is required by the Act to undertake a review of its gambling policy every three years. The current version of the gambling policy will expire on the 30<sup>th</sup> January 2019. A brief summary of the proposed approach to the new gambling policy is set out below.
- 3.2 Officers are continuing to develop the new gambling policy with a view to consulting on the proposed new gambling policy during the summer.

### **4 Proposals for the Councils New Gambling Policy**

- 4.1 The new gambling policy will set out the Councils views and approach to regulating gambling within the City. It will introduce a Local Area Profile (LAP), which will set out key locations within Westminster that have been identified as being areas of where there is a greater risk of harm to children and the vulnerable from gambling. These areas will be called Special Consideration Zones and specific policies will relate to premises that are operating or intend to operate in these areas. The LAP will also identify where there are clusters of gambling premises (three or more within a 400m radius of each other). The areas where clusters of gambling premises have been identified will also have specific policies.
- 4.2 The policy will be set out in parts to enable each type of gambling operator e.g. casino, betting, etc to review the relevant part that applies to them. The new policy moves away from generic policies covering all types of gambling operation to provide more clarity to operators and residents. Each part will set out the Councils policy towards key issues associated with that category of gambling premises. Premises located within a Special Consideration Zone or gambling premises cluster will be required to provide greater mitigation to specifically address the risks in that location.
- 4.3 In addition to the council's policies associated with premises licences the proposed gambling policy will provide detail on the other permissions that the Licensing Authority are responsible for determining, such as permits, notifications and registrations.
- 4.4 The proposed gambling policy is intended to provide gambling operators, responsible authorities and local residents with the expectations and approach that the Council will take when considering and determining applications under the Act.

### **5. Gambling Vulnerability Index**

- 5.1 The Licensing Service commissioned Geofutures to carry out a refresh of Westminster's Gambling Vulnerability Index in 2017. This update would use

updated data to represent the current risks to vulnerability. The original Vulnerability Index was created with data from 2014/15. Geofutures have now completed this refresh and have produced updated versions of the maps associated with that work. A copy of the updated maps is provided at Appendix 1 to this report.

- 5.2 The updated maps demonstrate that areas of vulnerability do change over time. The new maps show that some areas of risk previously identified within the index have increased in size, shifted slightly and the level of risk has increased or decreased. A comparison of the 2015/16 and 2017/18 vulnerability map is provided at Appendix 2.
- 5.3 The bigger change between the 2015/16 and 2017/18 maps are around Victoria, West End and Paddington/Edgware Road. Victoria has seen the hot spot increase in size between the two periods. This change in size has occurred because a new gambling support service has opened in the area. The hotspot to the south of the West End has seen an increase in the level of vulnerability risk. This has also been caused by the opening of a new gambling support service in the area. Paddington/Edgware Road has seen a slight decrease in the vulnerability risk level during this period. This decrease in the level of vulnerability is due to a reduction in the level of unemployment in the area and a slight reduction in the number of people who are suffering from poor mental health.
- 5.4 The gambling policy will still be identifying the hotspots shown on the new maps as special consideration zones within the proposed new gambling policy. These zones are located in:
  1. North West (Harrow Road)
  2. Paddington and Edgware Road (North)
  3. West End (North)
  4. West End (South)
  5. Victoria and Pimlico
- 5.5 Each area has distinct vulnerability traits that require various approaches based on where gambling premises are located within the City. Even though the risk matrix has identified these hotspots within the City this does not mean that there are no risks of gambling related harm outside of these hotspot areas. The matrix indicates that within those hotspots there are high concentrations of risk factors, which heighten the risk of harm.

## **6. Community Impact Assessments**

- 6.1 Officers have been considering how operators could engage with local communities prior to making their application to the council. When new applications are made local residents will often object to that application if they

have any concerns. Operators do not engage with local residents before they make their application to the Council. This can cause concerns for local residents and establish an adversarial approach between the applicant and the residents. The period between the submission of the application to when it is determined is limited and can hinder engagement. There are statutory obligations on the Licensing Authority to determine the application as soon as possible.

- 6.2 Officers feel that for new applications and significant changes to existing licences there is a need for operators to take more of a proactive approach to engagement prior to making an application to the Licensing Authority. If operators were encouraged to proactively engage with residents it could enable the identification of the residents' concerns so that they could be considered by the operator. Operators would then either change their proposals, propose mitigation to address the concerns or decide that they disagree with the resident and will await the decision of the Licensing Authority.
- 6.3 Officers are proposing that the new gambling policy promotes the use of Community Impact Assessments to promote engagement. Gambling operators who intend to apply for a new licence or vary their current licence substantially could undertake the Community Impact Assessment process.
- 6.3 The Community Impact Assessment process will be set out in detail within the proposed gambling policy. It will set out the structure for the Community Impact Assessment process, how operators should approach engaging with the local community and define the format for the assessment. There will be five elements to the assessment. These are:
  - 6.3.1 The proposal – sets out what the original intention of the operator is and how they will manage it.
  - 6.3.2 Community Engagement – sets out the engagement approach undertaken by the operator and who they have engaged with.
  - 6.3.3 Responses – enables the operator to set out the responses to the community engagement that it has received.
  - 6.3.4 Assessment of responses – the operator will demonstrate how they have considered the responses and what their views are on the comments that have been made.
  - 6.3.5 Finalised proposal and rationale – the operator after carrying out the assessment of the local community responses will finalise their approach and rationale.
- 6.4 Operators would be encouraged to submit the completed Assessment to the Council upon formal application. This approach may assist the Council in determining the application, as it will set out who within the community the operator has engaged with, what the operator has considered and what they are proposing, if any to address any local resident concerns. This approach will not limit the weight that the Licensing Authority will give to local resident representations. However, this approach may encourage better engagement

with the local community and may reduce the need for hearings if residents' concerns can be addressed.

- 6.5 The additional cost associated with the operator undertaking a Community Impact Assessment may be offset by a reduction in the time and work associated with dealing with representations during the formal consultation period. This approach may also remove the associated costs of preparing for and attending a hearing.
- 6.6 The proposal to introduce a Community Impact Assessment is not a statutory requirement and the Council would not seek to impose it on operators. However, officers feel that this new approach could lead to better engagement with the local community, greater transparency on the part of the operator, an ability for that operator to consider the local communities views without any imposing deadline and a reduction in the costs to both the applicant and the council during the formal application phase.
- 6.7 If this approach is considered as a way of encouraging improved engagement then there may be the potential to consider promoting the Community Impact Assessment approach for other licensing regimes applications, such as Licensing Act 2003.

**7. Proposed Approach for Public Consultation on the New Gambling Policy**

- 7.1 The Licensing Service intends, subject to receiving formal approval from the Cabinet Member for Public Protection and Licensing in consultation with the Chair of the Licensing Committee to start public consultation in July. We intend to publish the proposed new gambling policy along with a consultation document that will set out a number of questions relating to the Councils new policy approach. The consultation information and documents will be made available online to download and hard copies will be sent to all of the gambling operators, responsible authorities and other key stakeholders for comment. If requested we will also provide hard copies to residents or businesses.
- 7.2 We intend to host a number of workshops during August to enable engagement with gambling operators, key stakeholders and local residents. These workshops will enable specific discussions to take place on key elements of the proposed policy. Officers will seek to capture the views and comments made during these workshops along with any formal consultation responses that the Council receives.
- 7.3 The proposed timeframe for public consultation and adoption of the gambling policy, which is an amended version to that put before the Committee in March is set out within the table below.

<b>Action</b>	<b>Key dates and time frames</b>
Approval for commencing public consultation on the revised draft of the gambling policy provided	W/C 16 <sup>th</sup> July 2018

by Cabinet Member in consultation with the Chair of the Licensing Committee	
Start of Public Consultation	20 <sup>th</sup> July 2018
Gambling Sector workshops	W/C 6 <sup>th</sup> August 2018
Public Consultation Closes	28 <sup>th</sup> September 2018
Consultation responses consideration, finalisation of draft revised policy and legal clearance.	28 <sup>th</sup> September to 5 <sup>th</sup> October 2018
Cabinet member report in consultation with the chair of the Licensing Committee referred for approval to full Council	W/C 15 <sup>th</sup> October 2018
Cabinet Member formal referral to Full Council for decision on draft revised policy	No later than 25 <sup>th</sup> October 2018
Full Council for determination of new/revised policy	7 <sup>th</sup> November 2018
Formal press notice placed in local newspaper	W/C 3 <sup>rd</sup> December 2018
New/revised gambling policy commences	31 <sup>st</sup> January 2019

## 8. Legal Implications

- 8.1 The Gambling Act 2005 provides that any amendments to the Council's Gambling Policy have to be formally considered and approved by full Council.

### Appendices

Appendix 1 – Updated Geofutures Gambling Risk Matrix Westminster (2017/18)

Appendix 2 – Comparison on Geofutures Risk Matrix Map (2015/16 and 2017/18)

**If you have any queries about this report or wish to inspect any of the background papers, please contact:**

#### Background Papers

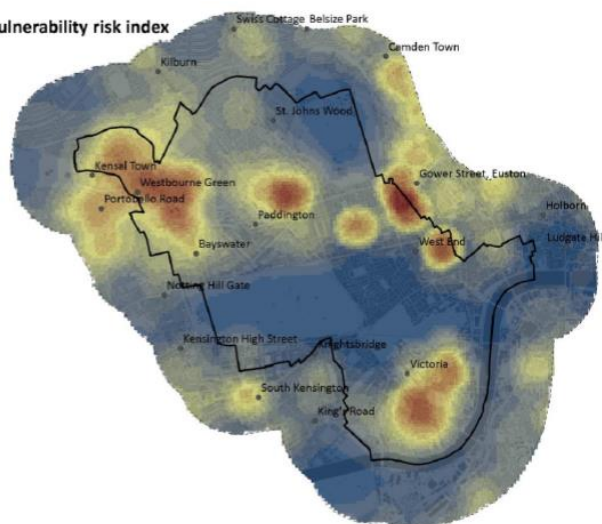
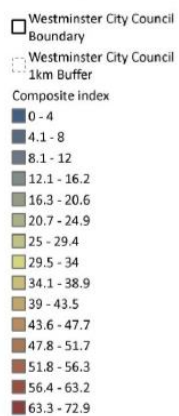
- Gambling Act 2005
- Westminster City Council Statement of Principles 2016 - 2019
- Cabinet Member Briefing on Gambling policy development dated February 2017
- Geofutures report: 'Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review' – Published 2016
- Geofutures report: 'Exploring area-based vulnerability to gambling-related harm: Developing the gambling related harm risk index' – Published 2016
- Geofutures report: 'Examining the effect of proximity and concentration of B2 machines to gambling play' – Published 2016
- Gambling Policy Review Approach for 2018/19 Licensing Committee Report dated 21<sup>st</sup> March 2018



## Comparison of Westminster Gambling Vulnerability Index Maps 2015/16 and 2017/18

2015/16

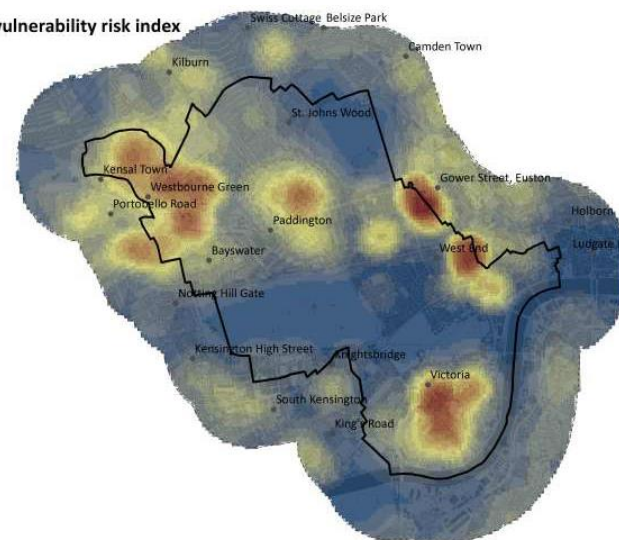
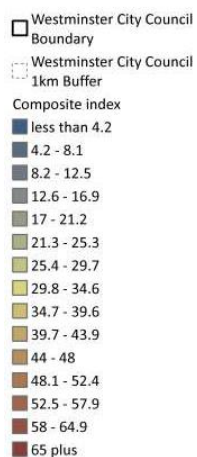
### Gambling-related harm vulnerability risk index



Contains Ordnance Survey data © Crown copyright and database right 2015. All rights reserved. Licence number 100045515.

2017/18

### Gambling-related harm vulnerability risk index



Contains Ordnance Survey data © Crown copyright and database right 2017. All rights reserved. Licence number 100045515.