



City of Westminster

# Full Council Report

<b>Date:</b>	<b>10<sup>th</sup> November 2021</b>
<b>Classification:</b>	<b>For General Release.</b>
<b>Title:</b>	<b>The re-adoption of the Council's current Statement of Principles for Gambling under the Gambling Act 2005.</b>
<b>Report of:</b>	<b>Executive Director for Environment and City Management and Executive Director for Innovation and Change.</b>
<b>Wards Involved:</b>	<b>All Wards.</b>
<b>Policy Context:</b>	<b>Gambling Policy Revision under the Gambling Act 2005.</b>
<b>Financial Summary:</b>	<b>None.</b>
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## 1. Summary

- 1.1 It was agreed by the Cabinet Member for Business, Licensing and Planning that this year's review of the Council's Statement of Principles for Gambling (Gambling Policy) would be undertaken in two phases. The first phase would be the re-adoption of the current Gambling Policy, subject to minor limited amendments and updates associated with changes in law, updated Gambling Commission guidance and codes of practice. This would ensure that the Council meets its statutory duty to undertake a review of the Gambling Policy and adopt any revised version before the end of the current three-year policy period. The second phase of the review will introduce a new Gambling Policy in the first quarter of 2022.
- 1.2 The Licensing Authority began its statutory consultation on its proposal under phase one to re-adopt the current Gambling Policy, subject to minor updates on the 27<sup>th</sup> September 2021. The consultation ran for a period of four weeks ending on the 17<sup>th</sup> October. The Licensing Authority didn't receive any responses to this proposal.

- 1.3 The Cabinet Member for Business, Licensing and Planning is asked to review the final revisions to the Gambling Policy and refer it to Full Council for consideration and if acceptable, for approval and adoption.

## **2. Recommendations**

- 2.1 That the Council adopt the revised Gambling Policy attached to this report as Appendix 1 in accordance with section 349 of the Gambling Act 2005 (the Act) and agree that it will come into effect on the 31<sup>st</sup> January 2022.

## **3. Background**

- 3.1 The Council is required under section 349(1) of the Act to prepare a statement of the principles that it proposes to apply in exercising its functions under the Act during the next three-year period and publish that statement before the end of the current policy period of three years. The current Gambling Policy's three-year policy period will end on the 30<sup>th</sup> January 2022.
- 3.2 The Council intends to adopt a new Gambling Policy under Phase two of this review. It was necessary to have a longer period for consultation on the proposed new policy and have sufficient time to consider the responses to that consultation. It would not have been possible to provide a sufficient period for consultation and to consider the responses if the Council had attempted to introduce the new Gambling Policy at the end of the current three-year policy period.
- 3.3 It is necessary to seek the re-adoption of the current Gambling Policy, subject to minor updates which would provide a temporary bridge between the end of the current policy and the adoption of the new Gambling Policy in early 2022. This approach will ensure that the Council meets section 349 of the Act by having a policy in place at the end of the current policy period. This policy would remain in place until the commencement of the new Gambling Policy. This will enable the detailed consultation required on the new policy and provide adequate time to consider the responses without a defined statutory deadline for adoption.
- 3.4 Before a revised Gambling Policy could be adopted the Council is required under section 349(3) of the Act to consult on its proposals with responsible authorities, persons who appear to represent the interest of persons carrying on gambling businesses within the City and persons who appear to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 3.5 The Council began formal consultation on the phase one proposals on the 27<sup>th</sup> September for a period of four weeks. The Council consulted all licensed gambling premises operators, trade associations for the Betting, Casino, Bingo and Arcade gambling sectors, Ward Councillors, recognised amenity groups and residents' associations, other relevant organisations, BID's and major landowners. The Council also placed notices on its buildings and placed social media assets promoting the consultation. A dedicated webpage

([www.westminster.gov.uk/gambling-policy-2022](http://www.westminster.gov.uk/gambling-policy-2022)) was available from the start of consultation and contained the Council's proposals for its Gambling Policy, all of the relevant documents including the current and proposed New Gambling Policy. Responses to the consultation could be made in two ways, via a dedicated online consultation survey or using the provided consultation forms which could be completed and then submitted via email to the Council's dedicated licensing consultation email address ([licensingconsultation@westminster.gov.uk](mailto:licensingconsultation@westminster.gov.uk)).

- 3.6 The Council received no responses to its consultation on its proposals to re-adopt its current Gambling Policy under phase one. As no responses were received the only revisions that have been made to the current Gambling Policy relate to references to the Council's Local Area Profile, changes to gaming machine stakes for B2 gaming machines due to a change in law and updated references to the Gambling Commissions guidance or codes of practice.

#### **4. Financial Implications**

- 4.1 As a result of the proposed policy changes, there will be no impact on either the number of businesses which are required to obtain a licence and no impact on the price of the licence being charged. There is therefore no impact on the income generated by the Council from these changes. Also there will be no additional costs arising from implementing the changes or from the ongoing management of the licensing activity.

#### **5. Legal Implications**

- 5.1 The Legal Implications are contained within the body of the report.

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:**

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#### **BACKGROUND PAPERS:**

- Westminster City Councils Statement of Principles for Gambling – Effective 31<sup>st</sup> January 2019
- Gambling Act 2005 and related supporting legislation
- Gambling Commission Guidance published in April 2021
- Gambling Commission Licence Conditions and Codes of Practice published October 2020

#### **APPENDICES**

- Appendix 1 - Final proposed revised Statement of Principles for Gambling for adoption.