



City of Westminster

# Licensing Committee Report

<b>Date of Committee:</b>	25 September 2024
<b>Classification:</b>	General Release
<b>Title of Report :</b>	Statement of Gambling Principles (Gambling Policy) Review 2024
<b>Wards Affected:</b>	All
<b>Decision Maker:</b>	Licensing Committee
<b>Financial Summary:</b>	None
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## Recommendations

The Licensing Committee has received this report for information regarding the consultation on the proposal to re-adopt the Council's current gambling policy under the Gambling Act 2005. Members of the Committee can provide any views or comments on this proposal to officers at the hearing and those comments will be considered as part of the statutory consultation process.

### 1. Introduction

1.1 The Council, as the Licensing Authority, is responsible for granting, varying, transferring, accepting surrenders, revoking, reinstating following lapse, and reviewing premises licenses that authorise gambling activities under the Gambling Act 2005 (the 2005 Act). Additionally, the Licensing Authority is responsible for determining applications for permits, lotteries, and the acknowledgment of notices for lower stake gambling activity. In carrying out its functions, it must produce a statement of principles, commonly referred to as its Gambling Policy, which sets out the Licensing Authority's approach to exercising its functions under the 2005 Act.

### 2. Background

- 2.1 Westminster City Council, as the Licensing Authority under the 2005 Act is required to review, revise, and consult on its three-year gambling policy under the 2005 Act. This three-year policy cycle was set by regulations as being 31<sup>st</sup> January 2007. The Council has reviewed, revised, and published a Gambling Policy at the end of every policy period. In 2022, the Council produced a significantly innovative Gambling Policy, different from any previous policies.
- 2.2 The current policy came into effect on 12<sup>th</sup> December 2022. Although it was adopted in late 2022, the three-year policy period will end on 31<sup>st</sup> January 2025. Therefore, the Council, under section 349 of the 2005 Act, must review its Gambling Policy and, if necessary, revise it considering that review.

### **3. Outcome of the Gambling Policy Review**

- 3.1 After reviewing the Gambling Policy, officers consider that there is no need to make any revisions to it. This view is based on the fact that there have been no changes in legislation, Local Authority Guidance, or the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) and no issues or omissions have been identified that would require a revision to the current version of the policy.
- 3.2 Due to the significant work undertaken on the current policy in 2022, including extensive analysis on developing the Council Local Area Profile for Gambling, which mapped areas of greater risk for gambling-related harm, it is felt that the evidence has not changed to warrant changes to the geographical areas to which the relevant spatial policies within the Gambling Policy relate.
- 3.3 Officers will start working on the Local Area Profile for Gambling in mid to late 2026 in preparation for the next three-year policy period and the production of a likely revised Gambling Policy.
- 3.4 The revised policy produced in 2022 was made following substantial consultation and review and is considered to be sound. It is therefore proposed that the gambling policy should be retained, in its current form for the next three-year policy period. However, during the next three-year policy period, the Council will reassess the evidence base for its Local Area Profile and closely monitor the application and interpretation of the policy. If necessary, the gambling policy will be reviewed in response to an updated Local Area Profile, emerging issues in the determination of gambling applications, or changes in national guidance or legislation.

### **4. Planned Policy Approach**

- 4.1 The 2005 Act states that the Council must prepare its Gambling Policy and publish it for the three-year policy period commencing from the 31<sup>st</sup> January 2025. In preparing the Gambling Policy the Council must consult the police, gambling operators and their representatives, and anyone else likely to be affected, such as residents, businesses, and responsible authorities.

- 4.2 On the 16<sup>th</sup> September the Council commenced a four-week consultation period on its proposal to re-adopt the existing Gambling Policy for a further three-year policy period which will commence from the 31<sup>st</sup> January 2025. The consultation will enable the public and stakeholders with an interest in gambling to provide their feedback on this proposal. The intention to retain the current policy for an additional three years.
- 4.3 In addition to the primary proposal, the consultation will also provide an opportunity for respondents to share their views on gambling in Westminster, including any experiences or issues related to licensed gambling premises in the City or the effectiveness of the Council's approach to gambling.
- 4.4 Given that the statutory consultation focuses on maintaining the current Gambling Policy, it is anticipated that the Council will receive only a limited number of comments on this proposal. However, officers will conduct a review of all responses to the consultation and assess whether there is a need to revise or add to any part of the Gambling Policy as a result of the consultation process.
- 4.5 Once the consultation period has ended a report will be prepared for the Cabinet Member following the analysis of the consultation, recommending that the Gambling Policy is re-adopted by Full Council either as it is currently drafted or with revisions or amendments as identified during the consultation process.
- 4.6 As required under the 2005 Act, Full Council must approve the proposed revision of the Gambling Policy. We anticipate the gambling policy will be considered by Full Council hearing on 13<sup>th</sup> November, unless there is an unanticipated issue identified during the consultation process. If approved in November, the Gambling Policy will come into effect on 31<sup>st</sup> January 2025. If there is a delay, then the revised policy would be considered and adopted in January at the next Full Council meeting.

## **5. Financial Implications**

- 4.1 There are no financial implications arising from this report.

## **5. Legal Implications**

- 5.1 Section 349 of the Gambling Act 2005 requires the Statement of Licensing Principles for Gambling ("Statement") to be reviewed by the council (as Licensing Authority) no later than every three years. Any amendments to that Statement are required to be formally considered and approved by full Council following a consultation exercise. The Statement must be published before the expiry of each three-year period.
- 5.2 Section 349(2) of the Gambling Act 2005 allows the Licensing Authority to review its Statement from time to time if it is deemed necessary. If the Statement is revised further, following that review, the revised Statement will

have to be formally considered and approved by full Council and published by the council.

5.3 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 ("Regulations) specify the legal requirements and procedure for drafting and preparing the Statement and any revision to that Statement.

5.4 Regulation 7 of the Regulations sets out the procedure for publishing the Statement or revised Statement on the council's website ([www.westminster.gov.uk/gambling-policy](http://www.westminster.gov.uk/gambling-policy)) and placing copies of these documents for inspection in any of the following places, including:-

5.4.1 public libraries within Westminster and

5.4.2 other premises within Westminster as the council considers appropriate.

## **6. Carbon Impact**

6.1 It is believed that there is no carbon impact as a result of this report as this relates to the review of policies. The carbon impact of each individual policy will be assessed as part of that policy's review.

## **7. Consultation**

7.1 The consultation on the proposal to retain the current Gambling Policy will be conducted over four-weeks. During that time any interested party will be able to provide their views on the intention to retain the current Gambling Policy for a further three-year policy period, commencing from the 31<sup>st</sup> January 2025. All responses to this consultation will be considered and if necessary, revisions or additions will be made to the Gambling Policy before adoption.

## **8. Equalities Implications**

8.1 The Council must have due regard to its public sector equality duty under Section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

8.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 8.3 The Council believes there are no direct equalities implications arising from this report. An Equalities Impact Assessment will be undertaken as part of each policy review.

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

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