

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

Key Decision No. NH S037

CABINET MEETING DATE (2021/22) 29 NOVEMBER 2021	CLASSIFICATION: If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED ALL WARDS	
CABINET MEMBER Councillor Susan Fajana-Thomas	
KEY DECISION Yes REASON: Affects more than two Wards	
GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING AJMAN ALI	

1. CABINET MEMBERS INTRODUCTION

- 1.1 This report provides the Cabinet with relevant information on the Gambling Act 2005 (“the Act”) and the review of the Gambling Statement of Principles (“Statement”) following the statutory consultation.

2. GROUP DIRECTORS INTRODUCTION

- 2.1 Under the Act, Hackney, like all licensing authorities, must publish a statement of principles (“the Statement”) which they propose to apply when carrying out their licensing functions. This statement must be published at least once every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be re-published.
- 2.2 This Statement has been revised and is based on Gambling Commission Guidance (the “Guidance”) and the licensing objectives under the Act. The Statement sets out how the Licensing Authority will build on the licensing objectives to reflect local circumstances.
- 2.3 In exercising most of its functions under the Act, the Licensing Authority must have regard to the licensing objectives. The licensing objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is carried out in a fair and open way and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.

3. RECOMMENDATION(S)

- 3.1 The Cabinet is recommended to:

(i) Approve and amend the terms and conditions of the proposed Gambling Policy (“the Policy”) at Appendix 1 and recommend the proposed Gambling Policy to Cabinet for recommendation to Full Council for approval.

(ii) Note the report on the consultation at Appendix 2.

4. REASONS FOR DECISION

- 4.1 The Council must publish a statement of principles (“the Statement”) which it proposes to apply when carrying out its licensing functions under the Gambling Act 2005.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5.1 There were no alternative options considered.

6. BACKGROUND

6.1 Section 349 of the Act states that each Licensing Authority must prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act during the three year period to which the policy applies. The Policy must be kept under review during the period and be republished where it is revised. The Policy must be in place before the authority can determine any application.

6.2 The Policy sets out the basis of decisions made by the authority regarding gambling premises and in issuing a range of permits to authorise other gambling facilities in the area. For example:

- Adult gaming centre premises licences
- Betting premises licences
- Bingo premises licences
- Family entertainment centre premises licences
- Gaming Machine Permits
- Temporary Use Notices

6.3 The Policy must take account of the Gambling Commission Guidance, and be subject to statutory consultation with prescribed stakeholders including the holders of licences and the Police, as well as other stakeholders including representatives of gambling businesses, local residents, social services and child protection.

6.4 Members will also recall that on 7th June 2021 the Licensing Committee supported a further resolution not to issue casino licences given the characteristics of the Borough.

Consultation

6.5 On 2nd June 2021, the Licensing Committee approved the draft Policy for consultation.

6.6 As part of the process, information was published on the Council's website and was available to statutory bodies and authorities as well as holders of relevant authorisations and other interested parties.

6.7 The consultation ran from 6th to 29th August 2021. A report on the consultation has been prepared by the Consultation Team and has been appended to this report.

- 6.8 At its meeting on 9th September 2021, the Licensing Committee recommended the draft Statement for approval by the Council.

Policy Context

- 6.9 A number of factors have been considered including;
- demographics of the Borough
 - Hackney's community strategy
 - possible risks to children and vulnerable adults
 - possible links between deprivation and problem gambling
 - lack of local substantive research and debate on the issue
 - retaining local control and choice
 - the hospitality economy and cumulative impact
 - economy and regeneration
 - the gambling licensing objectives:
 - *preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.*
 - *ensuring that gambling is conducted in a fair and open way*
 - *protecting children and other vulnerable persons from being harmed or exploited by gambling*
- 6.10 Hackney is an area of growing economic opportunity as a result of the increased focus on East London as an area of growth and development for London and the UK.
- 6.11 This growth sits alongside significant deprivation. Some local people continue to face persistent inequalities and are disproportionately affected by child poverty, unemployment and welfare dependency.
- 6.12 The Index of Multiple deprivation ranks each local authority area, ward and lower super output area in terms of seven 'domains'; health, education, income, employment, housing and access to services, living environment and crime, in order of deprivation. The domains are brought together in an overall Index of Multiple Deprivation (IMD). There are also indices measuring deprivation among children and older people.

Equality Impact Assessment

- 6.13 An Equalities Impact Assessment has been completed. This has not identified any equality implications.

Sustainability

- 6.14 Any new resolution would last a maximum of three years. However, as stated above, the Council reserves the right to review it and can, at any point, withdraw the resolution where appropriate.

Risk Assessment

- 6.15 No risks have been identified.

6. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 6.1 This report requests that the Cabinet note the review of the Gambling Statement of Principles (“Statement”) following the statutory consultation.
- 6.2 The cost of managing the Council’s functions under the Gambling Act 2005 is met from the Business Regulation service budgets.

7. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

- 7.1 Members will already be aware of the requirement within the Gambling Act 2005 (‘the Act’) to have a Policy as set out in Section 349 of the Act, the current Policy being approved by Full Council in 2018. Members are reminded that the Licensing Authority is required by the Act to publish a revised Policy by 31 January 2022.
- 7.2 The Licensing Authority has a duty to consult on the Gambling Policy with its statutory consultees under section 349 of the Act.
- 7.3 The consultation of the Gambling Policy attracted a limited number of responses. This perhaps reflects the fact that the Policy has in reality had very few changes following its last legal review before taking effect in 2016. As such having considered the consultation undertaken the revised policy is in compliance with both the Act and current Guidance, which the Licensing Authority must have regard to.
- 7.4 Approving the Policy cannot be the sole responsibility of the executive. Therefore, Full Council must decide whether to adopt the proposed Policy, as set out in The Local Authorities (Functions and Responsibilities) (Amendment (England) Regulations 2006.
- 7.5 After adopting the revised policy the Council will still need to publish the Policy and a statutory notice of intent at least 4 weeks before the policy takes effect on 31 January 2022.
- 7.6 Under paragraph 3.3.7 (8) of Part 3 of the Constitution provides that the Licensing Committee have the responsibility to develop and submit

to Cabinet and Full Council for approval a Gambling Licensing Policy Statement.

7.7 Under paragraph 3.1.1(3) of Part 3 of the Constitution provides that Full Council may exercise the function to approve or adopt such policies that form part of the policy framework.

7.8 Under the Mayor's Scheme of delegation the Licensing Authority's Statement of Gambling Policy and matters relating to the Gambling Act 2005 shall be referred by the Mayor to Cabinet for approval.

APPENDICES

Appendix 1 – Gambling Policy 2022-2025 for approval.

Appendix 2 – Consultation Summary Report

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable

Report Author	David Tuitt Business Regulation Team Leader david.tuitt@hackney.gov.uk Tel: 020 8356 4942
Comments of the Group Director of Finance and Corporate Resources	Avril Smith Service Accountant avril.smith@hackney.gov.uk Tel: 020 8356 3947
Comments of the Director of Legal and Governance	Amanda Nauth Licensing and Corporate Lawyer Amanda.nauth@hackney.gov.uk Tel: 020 8356 6345