



City of Westminster

Licensing Committee Report

Meeting:	<i>Licensing Committee</i>
Date:	<i>18th November 2015</i>
Classification:	<i>For General Release</i>
Title:	<i>Update in Statement of Licensing Principles for Gambling Development</i>
Wards Affected:	<i>All</i>
Financial Summary:	<i>None.</i>
Report of:	<i>Operational Director for Premises Management</i>

1. Executive Summary

- 1.1 This report provides the Licensing Committee with an update on the progress in developing the council's Statement of Licensing Principles for gambling under the provisions of the Gambling Act 2005.

2. Recommendations

- 2.1 That the Committee note the development of the council's Statement of Licensing Principles for gambling as set out within this report.

3. Reasons for Decision

- 3.1 This report is provided as an update on the progress and future direction of this project. The report also will provide an opportunity for the Committee to comment or add any views that they may have on the development of the Statement of Licensing Principles for gambling.

4. Background

- 4.1 The Council as the Licensing Authority must prepare and publish a new Statement of Licensing Principles for Gambling every three years under the requirements of section 349 of the Gambling Act (2005). The current Statement ends on the 30th January 2016.
- 4.2 There have been significant changes in national gambling regulation and policy which will need to be reflected in the Statement. The Gambling Commission (the Commission) have introduced a requirement within their Licensing Conditions and Codes of Practice (LCCP) that operators, from the 6th April 2016 must identify the risks to the licensing objectives associated with that premises, its operation and the location where it is sited. The operator must then produce a risk assessment for each of their premises and set out the mitigation that they have or will put in place to reduce the risk to the licensing objectives.
- 4.3 The requirement within the LCCP to produce the premises risk assessments means that failure to undertake this requirement will constitute a breach of their operating licence. Such a breach could result in the operating licence being revoked. The requirement on operators to produce these risk assessments also puts an emphasis on operators to consider the concerns or risks identified by the Licensing Authority within its Statement of Licensing Principles for gambling.
- 4.4 The Licensing Authority has commissioned research, in partnership with Manchester City Council and supported by the Local Government Association into the effects of gambling related harm on the vulnerable and where these vulnerable groups are located within the City. The first report from this research was published in September 2015 and the final report setting out the locations of vulnerable groups will be published in January 2016. Preliminary results from this study are already identifying four hot spots of vulnerability in the Northwest of the City and one area in Pimlico.
- 4.5 The Commission published the 5th Edition of their Guidance to Licensing Authorities in September 2015. This edition reflects recent changes to the social responsibility provisions within the Commission's LCCP. There is an emphasis to promote local partnership working between licensing authorities and local gambling operators to facilitate a coordinated approach to local issues. The Guidance also provides greater clarity about the wide range of powers afforded to licensing authorities to manage local gambling regulation through measures such as the Statements of Licensing Principles for gambling.

- 4.6 The Commission also introduced the concept of local area profiles. The Commission describes local area profiles as an assessment of the local environment that identifies the key characteristics of the local area. The completion of a local area profile is not a statutory requirement under the Act but there are distinct benefits for both the council and gambling operators, in having a better awareness of the local area and risks to the licensing objectives. The council does have the ability to establish higher risk areas within the local area profile. These areas will be identified taking into account specific risk factors that are prevalent in the area. Some examples given in the guidance are the proximity to schools, rehabilitation centres or youth centres. The council's research will form the main elements of a local area profile which will also establish any at risk areas within the city.

5. Staged Development

- 5.1 Due to the statutory time constraints and the need to await the outcome of the research findings, the Cabinet Member for Public Protection and Licensing has agreed a two staged approach in the preparation and publication of its Statement of Licensing Principles for gambling.
- 5.2 Stage 1 required a minor revision of the current Statement of Licensing Principles. These changes were to dates, corrections of any typographical errors, the removal of irrelevant paragraphs and the addition of elements to address safeguarding against child sexual exploitation, numbering changes and any updates where legislation has changes since the last statement was published.
- 5.3 The stage 1 draft Statement of Licensing Principles was consulted upon for a period of five weeks ending on the 2nd October 2015. During that period the council received seven responses. Of the seven responses four were from local gambling operators, two were from national trade associations and one was from a charity.
- 5.4 Officers reviewed these comments and produced a final version for approval. The Cabinet Member for Public Protection and Licensing approved the final draft of the Statement of Licensing Principles for gambling on the 3rd November 2015. The Cabinet Member has recommended that the Statement is approved for publication by Full Council. The stage 1 Statement of Licensing Principles for gambling was approved by Full Council on the 11th November 2015. The Statement of Licensing Principles will be published from the 1st December 2015 for a period of four weeks and come into effect on the 31st January 2016.
- 5.5 A copy of the stage 1 Statement of Licensing Principles for gambling is available via the council's website along with the consultation comments and council responses.

- 5.6 The next stage of this project is currently under development. It is planned to produce a fundamentally different Statement of Licensing Principles in both structure and content by July 2016. This revision will include the approaches, knowledge and best practices gained over the previous years.
- 5.7 This revised (stage 2) Statement of Licensing Principles will include the outcome from the council's research within the local area profile. It is also the intention to separate that Statement into specific parts with each part containing policies and considerations associated with a category of gambling premises, e.g. casino, bingo, betting shop. This will enable the council to set out in more detail how it expects operators to carry out their business within the City.
- 5.8 Officers are working with colleagues from across the council who can contribute to the development of this statement, such as Public Health, Youth Offending Team, Homeless Team and the relevant teams within Public Protection and Licensing. Input into this process is also being sought from external parties such as gambling care providers, academics and other local authorities.
- 5.9 Westminster and Manchester City Council officers are collaborating on the development of the stage 2 Statement. This has the benefit of sharing expenditure and resources which will reduce the council's overall costs in developing this statement.
- 5.10 A draft will be produced for consultation in February 2016. The planned consultation period will be 12 weeks so as to enable key stakeholders ample opportunities to comment on this significant revision. It is planned to approve and publish the stage 2 revised version of the Statement of Licensing Principles for gambling in July 2016.

6. Financial Implications

- 6.1 There are no financial implications as a result of this report.

7. Legal Implications

- 7.1 The Council, as the Licensing Authority has a requirement under section 349 of the Gambling Act 2005 to prepare and publish a statement of principles for gambling.
- 7.2 Section 349(1) requires the Licensing Authority to prepare and publish a Statement of Principles before each successive period of three years. Within the proposed staged approach this Statement of Licensing Principles would meet the requirement of this subsection.

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Mr Kerry Simpkin on 020 7641 1840 or email ksimpkin@westminster.gov.uk

BACKGROUND PAPERS

- Gambling Act 2005
- Gambling Commission Consolidated Licence Conditions and Codes of Practice (May 2015)
- Gambling Commission Licensing Authorities Guidance 5th Edition (Sept 2015)
- Westminster City Council's Statement of Licensing Principles (31st Jan 2013 to 30th Jan 2016)
- Stage 1 Consultation on the Statement of Licensing Principles for Gambling Cabinet Member report dated (31st Jul 2015)
- Formal agreement of the revised Statement of Licensing Principles for Gambling Cabinet Member report (13th Oct 2015)
- Consultation responses to Stage 1 Statement of Licensing Principles for Gambling consultation (2nd Oct 2015)
- Final draft of Statement of Licensing Principles for Gambling (30th Jan 2016 to 30th Jan 2019)