



Briefing Note – item 7a)

To: Licensing Committee

From: Kerry Simpkin, Licensing Team Manager, Public Protection & Licensing

RE: Update on Gambling Act 2005 work

Office Location: 4th Floor, Westminster City Hall

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1. Introduction

- 1.1 The Licensing Authority is responsible for licensing premises for the provision of gambling facilities. The Licensing Team have been continuing its work in this area and has provided this update on that work and its progress.

2. Local Area Risk Assessments

- 2.1 Since the publication of the revised Gambling Policy in January the new requirements for Gambling Operators has come into place. From the 6th April 2016 every licensed gambling premises had to have a local area risk assessment that considered the impact that their operation may have on the local community. This requirement has been imposed by the Gambling Commission through their Operating Licence conditions and Codes of Practice.
- 2.2 The Council's Licensing Team have been actively engaging with gambling operators through this period to assist them in this process. The Licensing Team has also been proactive in providing information to operator's on local issues and risks to enable them to develop their risk assessments effectively. The risk assessment process is new and will develop over time but officers are keen to keep engaging with the gambling industry to ensure that these assessments develop to be an effective tool.

3. Development of the new Gambling Policy

- 3.1 Work has been continuing on developing a new Gambling Policy to take into account the research on gambling vulnerability that Westminster City Council commissioned jointly with Manchester City Council and the Local Government Association and the new local risk assessment requirements.

- 3.2 The data analysis process has now concluded and officers are currently drafting the new policy which will be substantially different from the current version. Officers have also met with representatives from the Casino sector to seek their views on specific issues that they have and how the Council's policy could be developed. Informal meetings with the Betting, Bingo and Amusement gambling sector representatives are planned for late September and early October.
- 3.3 Officers intend to complete the drafting process in October and put the draft version before the Cabinet Member for Public Protection later this year. Once the draft has been agreed a formal 12 week public consultation period will begin. Some of the gambling industry may be resistant to the approach that we may take so it is planned to have a number of workshops with the relevant gambling sectors during this process to ensure that we gather their views. Due to some of the proposed policy developments that may be contained within the final version of the gambling policy it will be important to enable sufficient time to consider the points of views and comments made during this process.

4. Fixed Odds Betting Terminals (FOBT's)

- 4.1 The FOBT gaming machines in betting shops continue receive attention in the press and within local government. The machines have a maximum stake of £100 which can be paid into the machines in multiples of £10. The stake can also be lost very quickly with each play lasting 20 seconds. The concerns associated with this harder form of gambling and the effects that these and other machines within that specific category¹ have on vulnerable people is ongoing. Further research has been produced relating to industry data that has shown a correlation between the accumulation of FOBT machines in an area (a cluster) and the increased number of at risk/problem gamblers. These research findings are being considered as part of the new Gambling Policy.
- 4.2 There have been two private members bills (Lord Clement-Jones and the Lord Bishop of St Alban) within the last year which have sought to either reduce the maximum stake for the FOBT machines or have sought powers for Licensing Authorities to enable them to limit the maximum stake or the number of machines permitted on betting premises. Both of these private members Bills did not move forward beyond the initial stages within Parliament.
- 4.3 However, Officers were approached by the Lord Bishop of St Albans following the submission of his Private Members Bill to seek technical advice and guidance. Following those discussions the Lord Bishop of St Albans has been given permission to submit an amendment to the Policing and Crime Bill which is currently moving through Parliament. The proposed amendment will add elements to the Gambling Act 2005 to enable Licensing Authority the power to impose conditions associated with gaming machines. The Licensing Authority is currently prohibited from adding conditions relating to the number, stake, prize or the way the machines operate.

¹ Category B gaming machines

- 4.4 The amendment would allow the Licensing Authority to add conditions to a gambling premises licence that can:
1. reduce the maximum stake for gaming machines to £10,
 2. reduce the number of gaming machines permitted on the premises
 3. require that an individual who wants to use a machine must prove their identity to the shop staff, and
 4. that the payment for the use of the gaming machine must be made in a manner set out within the condition.
- 4.5 The third and fourth element of the proposed amendment would enable a Licensing Authority to condition the licence so that a customer may not play a gaming machine unless they hold an account with the gambling operator. This would remove the anonymous play element of the current use of these machines and would enable monitoring and intervention. It would also reduce the risk associated with crime on the premises as the offender would be easily identified due to their account details and requirement to provide their proof of identity.
- 4.6 The amendment to the Policing and Crime Bill introduced by the Lord Bishop of St Albans will be debated in the Committee stage within the Lords later this month.

If there are any questions relating to this briefing note then please contact Kerry Simpkin, Licensing Team Manager on 020 7641 1840 or email ksimpkin@westminster.gov.uk