



Report for: Cabinet

Date of Meeting:	18 November 2021
Subject:	Revised Statement of Principles (Policy) Gambling Act 2005
Key Decision:	Yes – affects all wards
Responsible Officer:	Dipti Patel - Corporate Director of Community
Portfolio Holder:	Councillor Peymana Assad – Portfolio Holder for Community Cohesion, Crime and Enforcement
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix A - Revised Gambling Policy (Statement of Principles) Appendix B - Gambling Policy Consultation responses Appendix C – Equalities Impact Assessment (EqIA)

Section 1 – Summary and Recommendations

This report encloses the proposed Statement of Principles in relation to Gambling Act 2005. The Statement has been revised since it was last approved by Council in line with statutory guidance.

Recommendations:

Cabinet is requested to:

1. Note the Revised Statement of Principles as set out in Appendix A.
2. Recommend the Revised Statement of Principles (at Appendix A) to Council for approval, noting the following:
 - a) Each application will be considered on its own individual merits without regard to demand and regulate gambling in the interests of public interest.
 - b) Each application should uphold the three gambling objectives:
 - Preventing gambling from being a source of crime or disorder, being associated with crime and 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
3. This Authority has previously agreed a “no casino” resolution, the revised Statement proposes that this continues as there is no evidence base to show the need for a casino within the borough or the benefits of such an establishment. The policy will continue to support well run compliant gambling premises.

Reasons (for the recommendations):

The London Borough of Harrow has a statutory obligation to review and publish the gambling statement of principles every three years. A full consultation has been undertaken in relation to this policy.

Section 2 – Report

2.1 Background & Current Situation

It is the responsibility of a Local Authority to issue licences for the purpose of gambling establishments. Any application must meet the requirements of the legislation, and the applicant must demonstrate they meet the gambling objectives. Responsible Authorities for the purpose of the Gambling Act are defined in Section 157 of the Act. A Licensing Authority can vary a licence, reject a licence or issue a licence. All these activities should be in line with the Licensing Authority Gambling Policy.

Under Section 349 of the Gambling Act 2005, a licensing authority must prepare a statement of the principles that they propose to apply in exercising their functions under this Act. The current Gambling Policy was published on January 2015 and it is a requirement of the Gambling Act that the Authority reviews it at least before each successive period of three years. Reviews of the policy took place in 2015 as above, in 2018 and now in 2021 in compliance with this three-year period.

Having reviewed the policy no substantial changes were deemed required at this time. However, the London Borough of Harrow must still consult on the proposed policy as outlined in the Gambling Act 2005.

The revised Statement of Principles attached to this report as Appendix A was under consultation from 23 August 2021 until 23 October 2021.

The responses to that consultation are attached to this report as Appendix B.

The changes that have been made to the statement are:

- Updating it in relation to the changes around betting machines in terms of numbers and venues in particular in section 3.12.7 and 3.12.8 which make reference to the number of Category B machines that can be in Bingo premises
- Removal and replacement of obsolete terminology and previous organisational names

Under Section 166 of the Gambling Act, a licensing authority may resolve not to issue Casino Premises Licences. This Authority has previously agreed a “no casino” resolution at the Licensing and General Purposes Committee on 27th November 2006, and this has remained consistent with a further resolution being issued on 3rd December 2015, which was effective for three years and then further proposed at the time of renewing the Gambling Policy in 2018. The revised Statement proposes that this continues as there is no evidence base to show the need for a casino within the borough or the benefits of such an establishment.

Members of the Licensing & General Purposes Committee will form the sub-committees that will hear Licensing Act 2003 and Gambling Act 2003 licence applications.

The Statement of Principles requires approval by Full Council due to being a non-executive function. It is sent to Cabinet for information

2.2 Main Options

As this policy is for approval as a non-executive function, this report is for information for Cabinet only.

2.3 Consultation

A consultation on the proposed Gambling Policy took place from 23 August 2021 until 23 October 2021.

The consultation was carried out in accordance with the Guidance issued by the Gambling Commission and section 349 of the Gambling Act 2005. Section 349(3) of the Gambling Act 2005 requires the licensing authority to consult the following on the policy statement or any subsequent revision to it:

- (a) The chief officer of police for the authority's area
- (b) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area and
- (c) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

This Authority consulted with the Chief Officer of Police for the Harrow area, the Gambling Commission, a selection of premises carrying out gambling and/or betting activities in Harrow, and selection of resident's associations. Furthermore, the consultation and proposed gambling policy were published on the Council's website.

A summary of feedback can be found in Appendix B.

2.4 Legal Implications

Section 349 of the Gambling Act requires a licensing authority to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the Act, and the licensing authority is expected to review it from time to time (and amend it if necessary), ensuring that it is reviewed and published at least before the end of each successive three year period.

As noted earlier in this report, section 349(3) of the Act lists those persons that must be consulted by a licensing authority in relation to a proposed statement of licensing policy.

2.5 Equalities Impact

Under section 149 of the Equality Act 2010, the Council (as a public authority) has a duty to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act,
- advance equality of opportunity between persons with a protected characteristic and those without
- foster good relations between persons with protected characteristics and those without.

The 'protected characteristics' are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation.

An initial Equalities Impact Assessment (EqIA), carried out in line with the Corporate Equalities Policy, established that there were no adverse impacts on any of the protected groups arising out of the proposed policy and a full (EqIA) was therefore not required.

2.6 Financial Implications

The cost of carrying out the duties under Gambling Act will be met from within the service budget.

2.7 Risk Management

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below.
N/A

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Failure to approve a new Gambling Statement of Principles (Policy) and/or for this not to occur within the relevant statutory periods	<ul style="list-style-type: none">▪ Gambling Commission guidance on preparation of the Statement has been fully followed and complied with in the preparation of this Statement▪ The current Gambling Statement of Principles (Policy) was published in January 2019 and once approved this policy will come into effect in Jan 2022 in compliance with the Gambling Act 2005	Green

	which states that the Statement must be reviewed at least every three years.	
Failure to fully consult with residents, businesses and relevant organisations in the borough affected by the Gambling Statement of Principles (Policy)	<ul style="list-style-type: none"> ▪ Consultation on the proposed Gambling Statement of Principles (Policy) took place in the borough from 23 August 2021 until 23 October 2021. ▪ The consultation was carried out in accordance with Guidance issued by the Gambling Commission and sections 349 and 349(3) of the Gambling Act 2005 ▪ Consultation undertaken included consultation with the Chief Officer of Police for the Harrow area, the Gambling Commission and a selection of local premises carrying out gambling and/or betting activities in Harrow and also a selection of resident's associations. The consultation exercise and the proposed gambling policy have also been both published on the Council's website in advance of this decision 	Green
Amending the Statement to take it outside of Statutory Guidance	<ul style="list-style-type: none"> ▪ Any amendments made would be passed through legal before being adopted to ensure they are appropriate ▪ Ultimately Statutory Guidance, Legislation and Case Law will override the local statement 	Green

2.8 Procurement Implications

There are no procurement implications associated with this Report.

2.9 Resource Implications

There are no resource implications associated with this Report.

Council Priorities

1. Thriving economy

The policy will support well run compliant gambling premises therefore helping to achieve a thriving economy. The Gambling Objectives will be upheld by the policy which are to:

- prevent gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime
- ensure that gambling is conducted in a fair and open way
- protect children and other vulnerable persons from being harmed or exploited by gambling

Section 3 - Statutory Officer Clearance

Statutory Officer: Dawn Calvert

Signed by the Chief Financial Officer

Date: 05/11/2021

Statutory Officer: Hugh Peart

Signed by the Monitoring Officer

Date: 02/11/2021

Statutory Officer: Nimesh Mehta

Signed by the Head of Procurement

Date: 05/11/2021

Statutory Officer: Dipti Patel

Signed by the Corporate Director

Date: 01/11/2021

Statutory Officer: Hugh Peart

Signed on behalf of the Head of Internal Audit

Date: 04/11/2021

Mandatory Checks

Ward Councillors notified: NO, as it impacts on all wards

EqIA carried out:

An initial Equalities Impact Assessment (EqIA) established that there were no adverse impacts on any of the protected groups arising out of the proposed policy and a full (EqIA) was therefore not required.

Section 4 - Contact Details and Background Papers

Contact: Emma Phasey, Head of Enforcement and Licensing,
Emma.Phasey@harrow.gov.uk

Background papers: None

Call-in waived by the Chair of Overview and Scrutiny Committee - NO