



LICENSING COMMITTEE COMMITTEE 21 SEPTEMBER 2022

Report title: Lambeth Statement of Gambling Principles 2022-2025 (new 'Gambling Policy')

Wards: All

Portfolio: Cabinet Member for Safer Communities: Councillor Mahamed Hashi

Report Authorised by: Venetia Reid-Baptise: Strategic Director for Resident Services

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REPORT SUMMARY

The Council is required to publish a statement of gambling principles every three years. The purpose of the statement of gambling principles is to define how the Council's responsibilities under the Gambling Act 2005 are going to be exercised and administered. Lambeth's existing Statement of Gambling Principles (2019-2022) expired at the end of June 2022.

The policy has been reviewed and updated where applicable to either, clarify, amend or update the policy in line with legislative changes and recommendations by the Gambling Commission. The route of adoption for the policy had become a challenge due to the Local Government Elections in May 22, that resulted in the congestion of our committee schedule as both the Council and Commission had expected legislative changes at the end of last year (Nov 2021); however, it had been understood that consultation surrounding legislative arrangements were due ahead of Parliament's summer recess, but were once again delayed with a change in Prime Minister. The Council and Commission now await revised consultation dates.

As a result, there are no legislative changes that would require incorporating into the policy review. The changes sought to the current policy were advised by the Gambling Commission are nominal and seek to update or clarify certain areas gambling.

In January 2022, the draft policy has been subject to local consultation with the following Responsible Authorities as part of the initial process:

- a) Metropolitan Police Service
- b) Public Protection
- c) Licensing Service
- d) Public Health
- e) Legal Services

Committee is requested to consider ratifying the updated policy to go out to public consultation; the results of which will be assessed and, where appropriate, any relevant suggestions, amendments and

changes will be incorporated into a final draft of that document which will then be considered by Licensing Committee and, subject to that Committees approval, thereafter submitted to Cabinet its meeting scheduled for 5th December 2022 with a recommendation that the same be adopted at Full Council at a meeting expected to take place on a date to be confirmed in January 2023.

FINANCE SUMMARY

The review of the current Statement of Gambling Principles and formulation of the new document for 2022-2025 has been funded from existing budgets, and there are no further financial implications arising from the recommendations of this report.

RECOMMENDATIONS

1. That the Committee note the contents of this report.
2. That the Committee consents to the specific recommendation under Section 166 of the Act which enables the Council, as the licensing authority, to issue a resolution not to issue casino licences for the duration of the document, and to consult on this proposal via the public consultation exercise mentioned at recommendation 3.
3. That the Committee authorises officers to undertake a three week online public consultation from 22 September to 12 October 2022 upon the draft Statement of Gambling Principles 2022-2025 (attached as Appendix A to this report).
4. To note that a further report shall be brought before the Committee setting out the product of the public consultation exercise and appending, for the Committees consideration, a final draft of the Statement of Gambling Principles 2022-2025 with any amendments arising from the outcome of the public consultation exercise.

1. CONTEXT

- 1.1. The Gambling Act 2005 ('The Act') introduced a new licensing regime for gaming and betting administered through a combination of the Gambling Commission and local licensing authorities. The London Borough of Lambeth is a licensing authority for the purposes of this Act.
- 1.2. Under the Act, Licensing authorities are required to review and publish, every three years, a statement of the principles which they propose to apply when exercising their licensing functions. During the review, Lambeth has a responsibility to ensure that the policy statement balances the need for a degree of certainty on the part of gambling businesses with the need to remain responsive to emerging risks.
- 1.3. This authority's Gambling Act 2005 Statement of Principles ('Gambling Policy') was first published in January 2007. It has been subject to several reviews and amendments to reflect changes to policy and guidance over the years. The current version of the statement of principles (2019-2022) was approved by Full Council in October 2019 and is now due for review.
- 1.4. With regard to links to the Council's Community Plan, this policy is linked to:
 - **Increasing Community Resilience** – safeguarding the young and venerable within our communities.
 - **Make Lambeth a Place where people want to work, live and invest** – This policy puts in safeguards that combats dependency, while providing a framework for compliance to ensure venues are seen as responsible and complimentary additions to our highstreets.

2. PROPOSAL AND REASONS

- 2.1 It is proposed that a revised Statement of Gambling Principles will be prepared taking into account the latest Gambling Commission's advice and any concerns and issues that have risen from the public consultation.
- 2.2 The revised policy will be brought to the next meeting of the Committee for consideration following the outcome of the public consultation exercise and to agree any proposed policy revisions; and make recommendations for adoption of a final Statement of Gambling Principles by Cabinet and Full Council.

3. FINANCE

- 3.1 Costs associated with the review of the statement of principles and consultation process will be funded from existing budgets.
- 3.2 The review of the Statement of Gambling Principles 2019-2022 and production of the revised Statement of Gambling Principles 2022-2025 are funded from existing budgets, and there are no further financial implications arising from the recommendations of this report.

4. LEGAL AND DEMOCRACY

- 4.1 Section 349 of the Gambling Act 2005 (the Act) requires the Council to prepare and publish triennially a statement of the principles it proposes to apply in exercising its function under the Act (a document commonly known as a Gambling Policy or Statement of Gambling Principles – hereafter referred to as the Policy). A licensing authority may review and revise their Gambling Policy within each three-year cycle.
- 4.2 Prior to publishing its Gambling Policy, the Council must undertake the statutory consultation as provided by section 349(3) of the Act and any Regulations made under it. This requires that the Council consult with: the chief officer of police; one or more persons who represent the interests of gambling businesses in the borough and one or more persons who represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Gambling Act.
- 4.3 Regulations 4 to 6 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations 2006 set out the requirements for the content and form of the Policy and the procedure to be followed in preparing and then publishing it. In accordance with these Regulations a minimum of 4 weeks is required between publication and the Gambling Policy coming into effect.
- 4.4 Paragraph 5 refers to the consultation that is to be undertaken for the purposes of this report. The following principles of consultation were set out in a recent High Court case: First, a consultation had to be commenced at a time when proposals were still at a formative stage. Second, those consulted had to be provided with accurate and sufficient information and reasons for any proposal to permit intelligent consideration; with adequate time given for the consulting party to respond and for those responses to be considered. Third, the product of consultation must be conscientiously taken into account. Overall, the process of consultation had to be effective and looked at as a whole it had to be fair. Fairness might require consultation not only upon the preferred option, but also upon discarded or alternative ones.
- 4.5 Under the Council's constitution (page 32, Part 2 –Section 1), the Licensing Committee's remit includes the power: "To exercise the functions, powers and duties of the Council in relation to all licensing matters, as required by statute". Pursuant to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the Council's Gambling Policy is required to be part of the Council's policy framework and adoption of that Policy falls to be made by full Council.
- 4.6 Section 149 of the Equality Act 2010 sets out the public sector equality duty, i.e. that all public bodies are under an obligation to have 'due regard' to eliminating unlawful discrimination, advancing equality and fostering good relations in the contexts of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.
- 4.7 Section 149 (1) (b) of the Act states that: a public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Part of the duty to have "due regard" where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim.
- 4.8 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a

final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.

4.9 No additional comments from Democratic Services.

5. CONSULTATION AND CO-PRODUCTION

5.1 Section 349 of the Gambling Act 2005 specifies those persons and groups with whom we must consult for the purposes of this report.

5.2 If the Licensing Committee authorises consultation on the review of the statement of principles, we will consult with all statutory consultees, namely:

- The chief officer of police.
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling in the authority’s area, namely Public Heath; and including the following responsible authorities identified under the Act: the Gambling Commission, HM Revenue and Customs, the London Fire Brigade, and Lambeth’s Planning, Neighbourhood Enforcement, Community Safety and Children’s Services.
- 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 the Act.
- Send out a stock email to all residents and businesses who have asked to be notified of future consultations.

6. RISK MANAGEMENT

6.1 It is a legal requirement to review the policy at least every three years. This new version of the published policy should have been adopted by the end of June 2022; however, due to what was perceived to be imminent legislative change, the service in as state of recovery while managing Covid-19 restrictions (Omicron) and the congestion of the policy’s adoption route due to the local council elections in May 2022, there has been a delay in adoption. The service are in contact with Gambling Commission (sector’s regulatory body) and advised of and noted the delay of adoption to ensure the Council would not face any sanction.

6.2 The main risks that impede on the successful delivery of this procurement and contract are:

Table 1 – Risk Register

Item	Risk	Likelihood	Impact	Score	Control Measures
1	Failure to undertake borough wide consultation	1	8	8	Commercial Licensing Service had undertaken arrangements with Customer Engagement colleagues earlier in 2022 and have an electronic survey ready to be initiated.

2	Proposals are seen as too controversial or will impact on local businesses	1	4	4	Due to the Government delaying on publishing new statutory guidelines to the Gambling Policy, the Council's proposed Policy greatly aligns itself to the expired policy with no major amendments.
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Key

Likelihood	Very Likely = 4	Likely = 3	Unlikely = 2	Very Unlikely = 1
Impact	Major = 8	Serious = 4	Significant = 2	Minor = 1

7. EQUALITIES IMPACT ASSESSMENT

- 7.1 An equalities impact assessment (EIA) is currently being drafted. This will be a live working document throughout the course of the consultation, so that Lambeth can be flexible around responses from residents and businesses. The outcome of this assessment will be available for review before any final policy decisions are made.
- 7.2 It is anticipated that the draft policy will not adversely affect the holders of existing premises licences, those applying to hold licenses, Responsible Authorities under the Gambling Act 2005, Council officers and potentially residents of the borough.

8. COMMUNITY SAFETY

- 8.1 Section 17 (s17) of the Crime and Disorder Act 1998 imposes a general duty on local authorities as follows: "Without prejudice to any other obligations imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions, on and the need to do all it reasonably can to prevent crime, disorder and substance misuse in its area". Our compliance with the requirements of s.17 may therefore include a twofold consideration i.e. having due regard to the likely effect of a decision on crime and disorder and doing all it "reasonably" can to prevent crime and disorder. When exercising its functions under The Gambling Act 2005, the Authority must have regard to the Licensing Objectives set out under that Act. One of those objective tasks the Authority with Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

9. ORGANISATIONAL IMPLICATIONS**Environmental**

- 9.1 None.

Health

- 9.2 None.

Corporate Parenting

- 9.3 None.

Staffing and accommodation

9.4 None.

Responsible Procurement

9.5 None.

Good Quality Jobs with Fair Pay and Decent Working Conditions

9.6 None.

Quality Apprenticeships, targeted Employment for Lambeth residents and Lambeth Priority Group

9.7 None.

Reduce Emissions: Lambeth Council has a commitment to being Zero Carbon by 2030

9.8 None.

Single Use Plastics

9.9 None.

Positive Health and Wellbeing

9.10 None.

Other Offers (Innovation)

9.11 None.

10. TIMETABLE FOR IMPLEMENTATION

10.1 The table below details the stages and deadlines for implementing the recommendations

Activity	Proposed Date
Date published on Forward Plan	18 July 2022
Licensing Committee hearing for approval to consult	21 September 2022
Formal public consultation exercise via Lambeth website	3 Weeks consultation 22 Sept to 12 October 2022
Consultation responses consideration, finalisation of revised policy and legal clearance	19 October 2022
Strategic Director Management Team (Management Board)	26 October 2022
Informal Cabinet (IC)	9 November 2022
Report back to Licensing Committee requesting committee to consider the outcome of the public consultation exercise and agree the proposed draft policy revisions; and make recommendations for adoption of a final Statement of Licensing Policy by Cabinet and Full Council	4 November 2022
Cabinet	5 December 2022

Full Council for adoption of revised policy	January 2023
2022-2025 Gambling Policy takes effect	4 weeks after adoption by Full Council

AUDIT TRAIL

Name/Position	Lambeth cluster/division or partner	Date Sent	Date Received	Comments in para:
Councillor Mahamed Hashi	Cabinet Member for Safer Communities	07.07.22	07.07.22	Approval at CMB – comments throughout
Venetia Reid-Baptiste	Strategic Director for Resident Services	14.09.22	14.09.22	Throughout
Andrew Ramsden, Finance	Finance and Property	14.09.22	14.09.22	Throughout
Jean-Marc Moccarme, Legal Services	Legal and Governance	14.09.22	14.09.22	Throughout
Julia Skinner, Democratic Services	Legal and Governance	14.09.22	14.09.22	Throughout

REPORT HISTORY

Original discussion with Cabinet Member	7 July 2022
Part II Exempt from Disclosure/confidential accompanying report?	N/A
Key decision report	Yes
Date first appeared on forward plan	18 July 2022
Key decision reasons	Amendments to Council's Policy Framework
Background information	Lambeth Gambling Policy 2019 – 2022
Appendices	Appendix A – Draft Gambling Policy 2022-2025 Statement of Principles Appendix B – Statement of Principles - summary of changes

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