

**Committee: Licensing Committee**

**Date: 14 October 2021**

Wards: All

**Subject: Report on the proposed revised Statement of Principles under the Gambling Act 2005, including consideration on whether to re-state the 'no Casino' Policy, following public consultation.**

**Lead officer:** Chris Lee, Director of Environment and Regeneration.

**Lead member:** Councillor Nick Draper, Chair of the Licensing Committee

**Forward Plan reference number:** N/A

**Contact Officer:** Caroline Sharkey, Licensing Manager, London Boroughs of Merton, Richmond upon Thames and Wandsworth Joint Regulatory Services Partnership and Guy Bishop Senior Lawyer Litigation and Planning Team.

**Recommendations:**

- 
- A. Re-state the no casino resolution and recommend it for adoption by full Council on 17 November 2021;
  - B. Consider the comments received during the public consultation process on the draft Gambling Statement of Principles, which took place between 19 July and 27 September 2021;
  - C. Approve the Statement of Principles 2022-2025 attached at Appendix A of the report (subject to any amendments required by this Committee);
  - D. To recommend if for adoption by full Council on 17 November 2021.
- 

## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 Section 349 of the Gambling Act 2005 (the 'Act') requires licensing authorities before each successive period of three years to  
“(a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and  
(b) publish the statement”
- 1.2 The next “successive period” starts on 31st January 2022. However, the Statement needs to be adopted by 31st December 2021 as it must be published at least 4 weeks before the date on which it comes into effect on the authority's website and also be available for inspection by the public. In addition, a notice

advertising the publication must be placed on the Council's website and on a public notice board in the Town Hall.

- 1.3 Before determining its Statement of Principles, the Authority is required to consult with the police, persons who represent the interests of gambling businesses and those who represent the interests of persons who are likely to be affected by gambling businesses. The consultation took place between the 19 July 2021 and 27 September 2021.
- 1.4 The comments have been collated and suggested changes arising from the consultation are shown in the proposed Statement attached at Appendix A of this report. Once approved the final Statement of Principles will be put to full Council on the 17 November 2021 for adoption.

## **2. DETAILS**

- 2.1 The London Borough of Merton, as the Licensing Authority under the Gambling Act 2005, is required to publish every three years a Statement of Principles, which it must apply when exercising its function under the Act.
- 2.2 The Gambling Act 2005 (the Act) came into effect on 1st September 2007 and, amongst other changes, gave to Local Authorities new and extended powers for licensing premises for gambling, including betting shops, casino gaming, bingo premises and gaming machine arcades. Local Authorities are also responsible for registering small society lotteries and for issuing permits to pubs and clubs for gaming machines.
- 2.3 The Act contains three licensing objectives which underpin the functions that the Commission and the licensing authority must perform. They are: -
- (a) preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime;
  - (b) ensuring that gambling is conducted in a fair and open way; and
  - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.4 In making a decision about a premises licence, Licensing Authorities must aim to permit its use provided it is
- In accordance with any relevant code of practice issued by the Gambling Commission
  - In accordance with any relevant guidance issued by the Gambling Commission
  - Reasonably consistent with the licensing objectives; and
  - In accordance with the authority's statement of licensing policy
- 2.5 Section 166 of the Gambling Act 2005 allows a Licensing Authority to resolve not to issue a Casino Premises Licence or allow operators to make application for premises licences for casinos in its area. The decision must be taken by the authority as a whole and cannot be delegated to the Licensing Committee. In passing such a resolution the Authority may take into account any principle or matter, not just the licensing objectives. Where a resolution is passed it must be published by the Authority in its three year licensing Statement of Principles

2.6 The resolution must apply to casino premises generally so that the authority cannot limit its effect to geographic areas or categories of casinos. The resolution must specify the date it comes into effect. The authority may revoke the resolution by passing a counter-resolution. The resolution will, in any event, lapse after three years when, if they wish to do so, the authority would be required to pass another resolution to keep the policy in place.

### 3. CONSULTATION

3.1 The Licensing Committee approved the draft Statement of Principles under the Gambling Act 2005 on 13 July 2021 for the purposes of public consultation.

3.1 Public consultation took place between 19 July 2021 and 27 September 2021

3.2 During the consultation period, the Licensing Authority received ten responses to the consultation through the on-line survey. In addition, four responses were received directly.

3.3 A summary of the on-line responses, including free text comments, can be seen at Appendix B of the report. A précis of the comments received directly is attached as Appendix C to this report. In both cases a comment has been made, where appropriate, indicating whether amendments have been proposed to the policy and, if not, reasons given.

3.4 The majority of people responding to the consultation were supportive of the proposed Statement of Principles. All who commented supported the retention of the 'no casino policy'. There was no dissent.

3.5 Of those who responded, a number indicated their general opposition to gambling premises, concerned about the impact gambling has on individuals, particularly those who can least afford it. However, other than for casinos, it is not possible for a local authority to introduce a policy banning new gambling premises in the borough. As it currently stands, a local authority is required to grant an application unless there is a compelling case not to, based upon the licensing objectives. In addition, it is not possible to reduce the number of existing gambling outlets in the borough or to add a condition restricting hours of operation, beyond any laid out in the legislation. Existing premises may only have their licence removed by the Council or have conditions added or amended following a review. It is, however, proposed to accept the comment from Gamble Aware in its submission encouraging local authorities to signpost people to the National Gambling Helpline and the Gamble Aware website both of which are part of the National Gambling Treatment Service by including this information on the Council's website.

3.6 It is not proposed to alter the draft Statement of Principles to any great extent other than to:-

a) Update the consultation details

b) Update the list of consultees

c) Incorporate the comments from Gamble Aware so that applicants will be directed to the published interactive maps showing the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms in order to use the information in their risk assessment process. This will also mean that the Local Authority will take note of this information when making their decision in respect of applications (paragraph 12.26 of the Statement of Principles).

- 3.7 A copy of the proposed final Statement of Principles is attached at Appendix A with the amendments proposed as a result of the consultation process shown as tracked changes.

#### **4. Local Area Profile**

- 4.1 In 2015 the Gambling Commission published a revised version of its Licence Conditions and Codes of Practice (LCCP) which formalised the need for operators to consider local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control mechanisms to mitigate those risks. In making their assessments, licensees have to take into account relevant matters identified in the council's licensing policy.
- 4.2 In order to assist operators in the risk assessment process, it was agreed that the Statement should include a local area profile. The information has now been updated in the Statement at Appendix C and comprises:
- i) a map indicating the location of existing gambling premises
  - ii) a map indicating the location of schools, colleges and youth centres
  - iii) a map indicating the location of community centres, libraries, leisure centres and places of worship
  - iv) a map indicating the location of money loan stores and money transfer services
  - v) a map indicating the location of pawnbrokers
- Note: If possible these maps will be amalgamated into one prior to approval by full Council on the 17<sup>th</sup> November
- vi) a map showing deprivation indices in the borough 2019 by Lower Layer Super Output Area (LSOA) boundaries. Deprivation levels shown are relative to the country as a whole where 1 is the most deprived and 10 the least deprived area.
  - vii) a map of reported anti-social behaviour in the borough between April 2019 – March 2020 by Ward. Note: the year 2019-2020 was chosen to reflect average crime figures most accurately for the borough as the following year's figures were affected by Covid restrictions.
  - viii) a table showing deprivation indices by Ward
  - ix) a table indicating the age profile of the borough by Ward

#### **5 Timetable.**

- 6.1 Following this meeting, the final Statement of Principles under the Gambling Act, including the 'no casino' resolution will be presented to Full Council meeting for adoption on the 17<sup>th</sup> November 2021. The Statement will then be published in accordance with the legislation for at least 4 weeks and come into effect on the 31<sup>st</sup> January 2022.

#### **7. Financial, resource and property implications.**

- 7.1 None for the purposes of this report

#### **8. Legal and statutory implications.**

- 8.1 Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish as Statement of Licensing Policy every 3 years. The next Statement

must be come into effect by the 31<sup>st</sup> December 2021 when the previous policy expires.

8.2 Section 349(3) of the Gambling Act 2005 the lists the persons the Licensing Authority is required to consult in preparing its Statement as set out at paragraph 3.18 of this report. . This has now been carried out as set out above.

8.3 Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Statement of Gambling Principles.

## **9. Human rights, equalities and community cohesion implications.**

9.1 These are statutory functions and are applied globally.

## **10. Crime and Disorder Implications.**

10.1 The service has a statutory duty to contribute to the reduction of crime and disorder within the London Borough of Merton under Section 17 Crime and Disorder Act 1988. Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime and protecting children and other vulnerable persons from being harmed or exploited by gambling are two of the three licensing objectives as defined in the Gambling Act 2005 and form the main principles of the Council's Statement under the Gambling Act

## **11. Risk management and health and safety implications.**

11.1 All risk and health and safety implications have been considered when compiling this report. None are apparent.

## **12. Appendices – the following documents are to be published with this report and form part of the report.**

12.1 Appendix "A" Draft revised Statement of Principles under the Gambling Act 2005 following consultation.

12.2 Appendix "B" Responses to the on-line consultation

12.3 Appendix "C" Precis of the comments received to the consultation sent in directly to the Council.

## **13. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report.**

13.1 The Gambling Act 2005  
[https://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga\\_20050019\\_en.pdf](https://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga_20050019_en.pdf)

13.2 Gambling Commission Guidance to Licensing Authorities  
<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

13.3 Existing Statement of Policy under the Gambling Act 2005

[GamblingPolicyNovember2018.pdf \(merton.gov.uk\)](#)

13.4 Consultation responses – directly received

13.5 On-line consultation responses

