



## Mayor and Cabinet

### **Report title: Review of the statutory Statement of Principles for Gambling**

**Date:** 6 December 2023.

**Key decision:** Yes.

**Class:** Part 1.

**Ward(s) affected:** All.

**Contributors:** David Curtis, Safer Communities Operation Manager.  
Jannet Hall, Head of Safer Communities.

### **Outline and recommendations**

The Statement of Principles for Gambling sets out the Council's approach to overseeing its licensing functions under the Gambling Act 2005.

The Council's previous Statement expired on 31 January 2022. To enable the Council to continue exercising its licensing functions, it must replace its previous Statement.

This report presents an updated draft Statement and the results of a public consultation. The recommendation is that Mayor and Cabinet:

- Note the consultation responses.
- Note the changes made to the draft Statement following consultation.
- Review and comment on the draft Statement.
- Agree that Officers should present the draft Statement of Principles for Gambling for 2023-2026 at Appendix 1, to the full Council for determination.

## Timeline of engagement and decision-making

25 July 2023	Public consultation on proposed changes to the existing Statement of Principles for Gambling started.
29 August 2023	Consultation ended.
6 December 2023	Mayor and Cabinet asked to consider the consultation responses, proposed revisions to the draft Statement, and asked to agree that Officers should present the revised Statement to full Council for determination.
17 January 2024	Council meeting to decide the draft Statement of Principles for Gambling.

## 1. Summary

- 1.1. At least every three years, the Council must review and publish a gambling licensing policy. The policy sets out the way in which we will carry out our licensing functions for the next three years. Our current policy expired in January 2022, and we must now replace it.
- 1.2. We have asked for views on a draft policy, and we are now proposing changes. In this report, we present those views and our responses. We also present the draft policy.
- 1.3. We ask the Mayor and Cabinet to note the views and changes, and agree the policy. We ask to present the policy to the full Council to decide.

## 2. Recommendations

- 2.1. Mayor and Cabinet are asked to:
  - Note the consultation responses.
  - Note the changes made to the draft Statement following consultation.
  - Review and comment on the draft Statement.
  - Agree that the draft Statement of principles for Gambling for 2023-2026 at Appendix 1, should be presented to full Council for it to be formally determined.

## 3. Policy Context

- 3.1. Under the Gambling Act 2005, the Council must prepare a statement of the principles that it proposes to apply in exercising its functions under the Act.
- 3.2. The Statement sits within a national regulatory framework which requires the licensing authority to aim to allow the use of premises for gambling in so far as the authority think it:
  - in accordance with any relevant code of practice issued by the Gambling Commission under section 24 of the Act,

- in accordance with any Guidance issued by the Gambling Commission under section 25 of the Act,
  - reasonably consistent with the licensing objectives, and
  - in accordance with the licensing authority's statement of licensing principles.
- 3.3. The licensing objectives are:
- to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
  - ensuring that gambling is conducted in a fair and open way, and
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.4. The draft Statement of Licensing Principles for Gambling (Appendix 1) aligns with the national regulatory framework.
- 3.5. This report aligns with Lewisham's Corporate Priorities, as set out in the Council's [Corporate Strategy \(2022-2026\)](#):
- A Strong Local Economy
  - Children and Young People
  - Safer Communities
  - Open Lewisham
  - Health and Wellbeing
- 3.1. In particular, this report is closely aligned to Safer Communities because the draft Statement aims to address the needs of residents to ensure a safe and healthy environment in which to live and work, together with safe and well-run gambling premises that will benefit the local economy.

## **4. Background**

- 4.1. Under Section 2 of the Act, Lewisham Council is the licensing authority and regulates premises-based gambling activity in the Borough, such as betting shops.
- 4.2. The Council works in partnership with the Gambling Commission and other agencies. The Commission focuses on issues of national importance and the Council is responsible for regulating local gambling premises, gaming permits, notices, and registrations in Lewisham.
- 4.3. The Council's responsibilities are therefore limited and do not extend to other gambling-related activities such as remote (online) gambling, gambling advertisements on television or other media, for example. The Gambling Commission regulates these activities.
- 4.4. The Council must publish a Statement at least every three years. The Statement sets out the Council's policies and the general approach it will take when carrying out its licensing functions under the Act. It also sets out the Council's expectations of applicants and licence holders, and aims to support consistency in decision making.

- 4.5. When the Council exercises its licensing functions, it must have regard to its Statement.
- 4.6. The Council's Statement of Principles 2019-2022 expired on 31 January 2022. This means the Council has failed to meet its statutory obligation under section 349 of the Gambling Act 2005, to prepare and publish a Statement at least every three years.
- 4.7. We have reviewed the Council's Statement of Principles for Gambling 2019-2022 and found that only minor changes are required, which include:
  - reformatting the existing policy to improve the layout and readability of the document.
  - updating changes in the law and national guidance.
  - updating out of date references.
  - removing or replacing sections of the current policy that were out of date or no longer relevant.

## **5. Consultation**

- 5.1. Following the review, the Council consulted on the proposed changes to the 2019-2022 Statement. The consultation started on 24 July 2023 and ended at midnight on 27 August 2023.
- 5.2. The consultation included an online survey asking respondents to comment on each part of the draft Statement of Principles. The draft Statement was available to view on the council's website throughout the survey, and a public notice was displayed at the Council offices at the Civic Centre, Catford Road, SE6 4RX for the duration of the consultation.
- 5.3. Before starting the consultation, we wrote to all statutory consultees listed in paragraph 7.2 and all consultees listed in Appendix 3 of the draft Statement of Principles for Gambling, to inform them of the consultation.
- 5.4. Throughout the consultation we also posted regular information on the Council's social media channels including Facebook, Twitter and LinkedIn., and the Resident's Newsletter.
- 5.5. We received 32 written responses to the consultation. The majority of respondents agree with the proposed changes. Their quantitative responses are set out in the Consultation Report at Appendix 2.
- 5.6. Following the consultation, we carefully considered the consultees quantitative responses and supporting comments. Where possible, we have amended the draft Statement to reflect the consultees views or to provide additional information. Where we have been unable to accommodate those views, we have explained why. We have provided our response to each comment and the reasoning for our decisions in the consultation responses and comments document at Appendix 3.
- 5.7. In response to the consultee's comments, we have made further changes to the draft Statement. We have provided a summary of those changes and our reason for amending the draft Statement, in the summary of changes document at Appendix 4.

## **6. Financial implications**

- 6.1. Under the gambling Act 2005, the Council calculates the fees for gambling premises licences. However, the fees cannot exceed the maximum amount in The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007.
- 6.2. Where possible, the Council aims to recover the full cost of regulating gambling licensing services through the fees and charges paid by applicants and licence holders.
- 6.3. The Council keeps the fees and charges under review and subject to the limitations set by the Regulations, may adjust them as necessary to reflect additional costs arising from delivering the service for example, costs arising from changes in the law or licensing policy.
- 6.4. Any costs associated with preparing and consulting on this policy will be met from existing gambling licensing budgets. Any other costs arising from implementing and enforcing this policy will be met through existing gambling fees and charges.

## **7. Legal implications**

- 7.1. Section 349 of the Gambling Act 2005 places a duty on the Council as the 'licensing authority' to prepare and publish a Statement of Principles for Gambling at least every three years. The Council has failed to meet this statutory obligation. Although there is no current statement, the Licensing Authority still has an obligation to hold a hearing to determine an application under section 162 of the Gambling Act 2005. The key risk is that without a valid Statement, the Council is unable to have regard to it when determining a licence application, or carrying out its other licensing functions under the Gambling Act 2005
- 7.2. 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
  - the chief officer of police for the authority's area;
  - 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
  - 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.
- 7.3. Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance to Local Authorities when preparing its Statement.
- 7.4. Publication of the Statement of Principles for Gambling has a significant impact on the communities in two or more wards and is therefore a Key Decision as defined in Article 16 of the Council's Constitution.
- 7.5. Final approval of the Statement is a function reserved to the Full Council under Section 154 the Gambling Act 2005 and set out at Article 4, paragraph 4.2 of the Council's Constitution.

## 8. Equalities implications

- 8.1. Officers have completed an Equalities Analysis Assessment and have not found any negative impacts arising from the reviewed Statement. A draft Equalities Analysis Assessment is included at Appendix 5.
- 8.2. Officers have considered whether the Statement could be a vehicle to advance opportunity and foster good relations between those with protected characteristics. In this instance, as there are only minor changes to the existing Statement, they were unable to find ways to use it in this way, however officers will keep this under review.

## 9. Climate change and environmental implications

- 9.1. There are no anticipated climate change and environmental implications.

## 10. Crime and disorder implications

- 10.1. The Statement aims to uphold the three licensing objectives. The first licensing objective is 'to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime'.
- 10.2. The Statement aims to achieve this by ensuring gambling operators have sufficient measures in place to prevent the licensed gambling premises from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

## 11. Health and wellbeing implications

- 11.1. The Statement recognises the potential impact of gambling on the community within the Borough of Lewisham.
- 11.2. The Statement aims to achieve a proper balance between the needs of residents and gambling operators. It aims to achieve this by ensuring a safe and healthy environment in which to live and work, whilst applying a consistent standard of regulation to ensure gambling premises are safe, well-run, and benefit the local economy.

## 12. Background papers

- 12.1. [Gambling Commission Guidance to licensing authorities.](#)
- 12.2. [Gambling Commission Codes of practice.](#)
- 12.3. [Lewisham's Statement of Principles for Gambling 2019-2022](#)

## 13. Glossary

- 13.1. [Link to Oxford English Dictionary here.](#)

Term	Definition
The Statement	Means the draft Statement of Licensing Principles for Gambling.
The Act	Means the Gambling Act 2005.

<b>Term</b>	<b>Definition</b>
Licensing Authority	The Council of the London Borough of Lewisham.
Gambling Commission	The national regulator for gambling activity.
Gambling	Means gaming, betting, or taking part in a lottery.
Gaming	Means playing a game of chance.
Betting	Means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.
A Lottery	Is where someone must pay to take part in an arrangement, during which one or more prizes are given by a process, which relies on chance.

#### **14. Report author(s) and contact**

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- 14.3. Comments for and on behalf of the Director of Law and Corporate Governance: Melanie Dawson, Principal Lawyer – Place, melanie.dawson@lewisham.gov.uk.

#### **15. Appendices**

- 15.1. Appendix 1: Draft Statement of Principles for Gambling 2024-2027
- 15.2. Appendix 2: Consultation report 2023
- 15.3. Appendix 3: Gambling Statement Consultation Responses and Comments
- 15.4. Appendix 4: Gambling Statement Consultation Summary of Changes
- 15.5. Appendix 5: Equalities Analysis Assessment