



City of Westminster Council Report

Meeting or Decision Maker:	Full Council
Date:	3 November 2024
Classification:	General Release
Title:	Proposed Re-adoption of the Council's Statement of Principles for Gambling (Gambling Policy)
Wards Affected:	All Wards
Report of	Cabinet Member for Communities and Public Protection
Fairer Westminster:	Fairer Communities and Fairer Economy
Key Decision:	No
Financial Summary:	There are no financial impacts associated with this report
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1. Executive Summary

- 1.1 The Licensing Authority conducted a statutory consultation on its proposal to retain the current version of its Statement of Principles for Gambling (Gambling Policy). The consultation took place over a period of just over four weeks, from 16th September to 16th October 2024. In total, the Licensing Authority received 18 written responses through the Council's engagement platform and consultation.
- 1.2 Of the 18 respondents, 12 supported the proposal to retain the existing gambling policy, while 5 opposed it. Notably, two of the opposing responses were submitted by the same casino operator. One individual did not express a definitive view. Additionally, feedback on the proposal was sought from the Licensing Committee on the 25th September 2024.

- 1.3 Two respondents, both representing the same premises within the casino sector, along with some Members of the Licensing Committee, raised concerns regarding misleading signage and advertisements at Adult Gaming Centres or Bingo premises which gave the impression they were also casinos or casino games, which was not the case. They requested that the Council's Gambling Policy be updated to reflect the Council's position on this issue, emphasizing the risk it poses to the fair and open licensing objective under the Gambling Act 2005 (the Act).
- 1.4 After reviewing the responses and the scope of the consultation officers remain of the view that it is appropriate and necessary to readopt the current gambling policy for an additional three years to comply with the statutory requirements of the Act. Due to the nature of the proposal, it is not possible to revise the current policy to address the issue of misleading signage and mis-advertising without carrying out further consultation on the proposed revisions. Due to the tight constraints to achieve the statutory deadline for reviewing and adopting the council's gambling policy before the 31st January 2025 it is recommended to proceed with the readoption of the current policy, and this should be the recommendation to Full Council.
- 1.5 With regard to the misleading signage and mis-advertising issue raised during the consultation phase officers do believe a revised policy should be formulated to address this issue. It is intended to carry out consultation on a proposed revision to the current gambling policy to address this point before the summer of 2025.
- 1.6 The Cabinet Member for Children and Public Protection was presented a report on the proposed readoption of the Council's Gambling Policy, taking into account responses from the consultation. The Cabinet Member made a formal decision to recommend that Full Council approve the readoption of the current Gambling Policy on the 24th October 2024.

2. Recommendations

- 2.1 That the Council, in line with the recommendation from the Cabinet Member for Children and Public Protection readopt the current Gambling Policy, attached to this report as Appendix 1 in accordance with section 349 of the Gambling Act 2005 (the Act) and agree that it will continue for the next three-year policy period effective from the 31st January 2025.

3. Background

- 3.1 In December 2022, the Council adopted the current Gambling Policy, which applies to the exercise of its functions under the Act. This policy represented a significant improvement over the previous version, establishing a robust framework that guides the Council's approach to evaluating and determining applications under the Act. The policy is structured around key areas, including the licensing objectives, operational hours, spatial considerations, and premises-specific or permission-based policies. Each section contains detailed and specific policy approaches to guide decision-making.

- 3.2 The current policy was designed as a comprehensive tool for all stakeholders involved in the licensing process. The level of detail was considered necessary to provide clarity for stakeholders, particularly those with little to no prior knowledge of the legislative framework governing gambling activities.
- 3.3 Applicants have used the policy to ensure that their applications align with its requirements, providing sufficient information and documentation to demonstrate compliance. Additionally, responsible authorities, residents, and businesses have relied on the policy to assess applications and decide whether to submit representations.
- 3.4 The policy is underpinned by a risk-based approach, focusing on the gambling activity at the premises, its operational practices, and the location within the city. A key component supporting the policy is the Council's Local Area Profile (LAP) for gambling, which provides demographic, socioeconomic, and spatial data on sensitive buildings and the Council's gambling vulnerability index. The LAP is integrated into the policy through spatial policies, and applicants in identified areas are expected to assess the risks highlighted in the LAP as part of their gambling risk assessment, which must accompany their application.
- 3.5 The current policy has been active for just under two years, and both the policy and supporting evidence remain relevant. Due to the statutory requirement to review and publish the council's gambling policy before the 31st January 2025 officers conducted a review of the policy and LAP earlier this year to identify if there were any revisions that were required to it. The review identified that there were no concerns and no need for any proposed revision to the policy itself, there were no notable changes to the LAP's evidence base, nor were there any amendments to the Act, Gambling Commission Guidance to Licensing Authorities, or the Licence Conditions and Codes of Practice that would affect the policy. It is acknowledged that the recent consultation carried out has identified that revisions may be needed to address the advertising issue referred to on paragraph 1.4 above, which will be subject to further consultation in the future.
- 3.6 Following this review, it was recommended to the Cabinet Member that the current Gambling Policy be retained for the next three-year period, beginning on 31st January 2025. If the policy is retained in its current form, officers will continue to monitor the policy and Local Area Profile (LAP), identifying and proposing any necessary amendments during the policy period.
- 3.7 After reviewing the consultation responses and rationale for the proposed re-adoption, the Cabinet Member decided to formally recommend that Full Council re-adopt the current Gambling Policy on 24th October 2025 for the next three-year period starting on 31st January 2025.

4. Consultation

4.1 Before the Licensing Authority can formally adopt and publish a revised Gambling Policy, it is required under Section 349 of the Act to consult the following:

- (a) Police,
- (b) Fire Authority,
- (c) Public Health,
- (d) any persons who represent personal licence holders,
- (e) any persons who represent premises licence or club premises certificate holders,
- (f) any persons who represent businesses, and,
- (g) any persons who represent residents.

4.2 On the 16th September 2024, the Council began its consultation on the proposal to retain the current policy without revision for a further three years. In addition to contacting the statutory consultees referred to in 5.1(a) to (g) above this consultation was promoted to the public, resident associations, amenity societies and businesses. The consultation ran for a period of just over 4 weeks and ended on 16th October 2024.

4.3 The Council provided an online survey throughout the consultation period for statutory consultees, residents, and other interested parties. This survey set out questions relating to the proposal to retain the current policy, along with questions to identify in what capacity they were completing the survey, e.g. resident or business. In addition to the survey, the Licensing Authority also received responses via email. These email responses have been combined with the submissions made via the online survey.

4.4 The consultation on the proposal to retain the current policy asked the question whether the respondent agreed or disagreed (yes or no) with the proposals. We also asked for views on the proposals and whether respondents had further comments, which they could explain in writing.

5. Summary of Consultation Responses

5.1 The council received 18 responses to the consultation. The respondents were from:

- 2 Gambling sector responses, although both were from the same operator representing a Casino
- 1 landowner
- 1 non-gambling business
- 13 residents or resident associations
- 1 other

5.2 Officers have reviewed the responses and a summary of the submissions to the consultation is included at Appendix 2.

5.3 The majority of the limited number of respondents, 12 out of 18 (66.7%) are in favour of readopting the current gambling policy.

- 5.4 On 25th September 2024, a report was presented to the Licensing Committee regarding the proposal to retain the current gambling policy for an additional three years, seeking the Committee's views as part of the consultation process. During the hearing, members raised concerns about how the policy addresses misleading signage and advertising at Adult Gaming Centres or Bingo premises. Specifically, they highlighted the inappropriate use of the term "casino" or phrases such as "casino games" on venue frontages or in advertisements.
- 5.4 Committee members referred to recent cases where venues had displayed signage stating "Casino" despite not being licensed as a casino, which could mislead customers unfamiliar with gambling regulations. These premises are not authorised to operate as casinos or offer casino games or casino-category gaming machines. As a result, the Committee recommended that the policy be revised to clearly state the Council's position on preventing misleading signage or advertising. They expressed the need for venues to avoid using words, phrases, or advertisements that imply they operate as a licensed category of gambling premises for which they do not hold a licence or offer activities not permitted under their current licence. Specifically, they did not want premises to suggest or imply they provide casino environments or games which would be misleading and not in keeping with the fair and open licensing objective.
- 5.5 This concern was echoed by two respondents from the same casino operator, who expressed the view that the policy should be amended to explicitly state that licensed gambling operators, other than casinos, should not advertise or imply that their premises offer casino environments or games. They felt it was important to make clear that only licensed casinos should be permitted to use such terminology in their advertising or signage.
- 5.6 Other views expressed that were opposed to the proposal relating to a general moral views and concerns about gambling and that it should not be permitted. Whilst it is understood that there are moral and personal views associated with gambling and its risks to society gambling is enjoyed by a large number of people and is legal in the UK as long as the operator, activity and in this case the premises are licensed.

6. Policy Revisions Following Consultation Responses

- 6.1 The majority of respondents (66.7%) were in support of the proposal to readopt the current gambling policy for a further three-years.
- 6.2 The concerns raised by some members of the Licensing Committee and the casino operator regarding misleading signage and advertising have been carefully considered. Upon further review, officers, including those from our Legal Services team have concluded it is not possible to revise the current policy to address the misleading advertising issue at this point without re-consulting on the proposed revision.

- 6.3 Officers understand why the policy should be revised to specifically address the issue of misleading advertising and signage. Officers will consider the proposed revisions which can then be consulted upon in the first half of 2025. However, at this stage it is recommended to proceed with the re-adoption of the current gambling policy.

7. Legal Implications

- 7.1 Section 349 of the Gambling Act 2005 requires the Statement of Licensing Principles for Gambling (“Statement”) to be reviewed by the council (as Licensing Authority) no later than every three years. Any amendments to that Statement are required to be formally considered and approved by full Council following a consultation exercise. The Statement must be published before the expiry of each three-year period.
- 7.2 Section 349(2) of the Gambling Act 2005 allows the Licensing Authority to review its Statement from time to time if it is deemed necessary. If the Statement is revised further, following that review, the revised Statement will have to be formally considered and approved by full Council and published by the council.
- 7.3 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (“Regulations) specify the legal requirements and procedure for drafting and preparing the Statement and any revision to that Statement.
- 7.4 The Cabinet Member for Children and Public Protection is able to consider and recommend re-adopting the current gambling policy to Full Council. Only Full Council can make a decision to adopt the Council’s Gambling Policy.
- 7.5 Regulation 7 of the Regulations sets out the procedure for publishing the Statement or revised Statement on the council’s website and placing copies of these documents for inspection in any of the following places, including:-
- 7.5.1 public libraries within Westminster and
 - 7.5.2 other premises within Westminster as the council considers appropriate.
- 7.6 A notice regarding the adoption of the Statement and any revised Statement must also be published in either a local newspaper, a local newsletter for the borough or on a public notice board.

8. Financial Implications

- 8.1 As a result of the proposed policy changes, there will be no impact on either the number of businesses which are required to obtain a licence and no impact on the price of the licence being charged. There is therefore no impact on the income generated by the Council from these changes. Also, there will be no additional costs arising from implementing the changes or from the ongoing management of the licensing activity.

9. Equalities Impact Assessment

- 9.1 The council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in Section 149 of the Equality Act 2010 in relation to persons who have protected characteristics.
- 9.2 Equality and diversity is not a parallel process or something to think about once a year. It is a fundamental part of improving services for everyone. It is nothing to do with ticking boxes or bureaucracy, and everything to do with making Westminster a place where anyone can be happy to live or work. It is central to delivering high quality customer services in the heart of London. We identify and actively address inequality, where evidence shows that it exists.
- 9.3 This diversity and the changing nature of Westminster's population makes Westminster a culturally and socially rich city, which benefits from the different experiences, perspectives, and respect for others that this diversity brings.
- 9.4 Officers have carried out an Equality Impact Assessment and because of that assessment there are no anticipated impacts as a result of the proposed revisions of the Council's Gambling Policy and Council's ability to meet its duties under the Equality Act.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:
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APPENDICES

- Appendix 1 - Current Gambling Policy
Appendix 2 - Summary of consultation submissions and Licensing Authority response.

BACKGROUND PAPERS:

- Gambling Commission Revised Guidance to Local Authorities issued under Section 25 of the Gambling Act 2005 – Published 1st April 2021 and last updated in the 11th April 2023
- Consultation responses received during the consultation period (emails and Common Place Engagement Platform survey results).
- Cabinet Member Report – Gambling Policy Review 2024 – Re-adoption of the Current Gambling Policy 21st October 2024.

Summary of Gambling Policy Consultation Responses

18 survey respondents in total.

Most respondents, 12 out of 18 (66.67%) agreed with the intention re-adopt the current gambling policy without revisions; 5 out of 18 (27.7%) disagreed. One respondent didn't specify.

The majority of respondents (72.2%) were individual Westminster Residents or representing a Westminster Amenity Association.

Of the 13 responses from Westminster residents (including the Belgrave Residents Association), 10 (77%) voted in favour of re-adopting the current gambling policy. Other stakeholders in favour of the current policy included 2 Westminster Non-gambling businesses. This means that 100% of non-gambling businesses who responded to the survey were in favour of retaining the current policy.

Of those who voted yes, the majority 5 (41.6%) were homeowners and 2 (16.6%) were renting from a private landlord. Several respondents did not specify whether they rented or owned their accommodation. There was a broad age range of those voting yes, with 4 respondents (33%) aged between 35 and 44; 2 (16.67%) aged over 75; and one person from each of the 55-59, 60-64, and 65-74 age-ranges respectively.

Of the 5 respondents who disagreed with the intention to re-adopt the current gambling policy without revisions, 2 were Westminster residents (one a homeowner, one a social renter), 2 were representing Licensed Gambling Operators, and 1 did not specify. This means that 100% of Licensed Gambling Operator's who responded to the survey disagreed with the intention to re-adopt the current gambling policy. The age of those who disagreed with re-adopting the currently gambling policy ranged between 55 and 75+. No-one under the age of 55 specified that they were against the policy.

Reasons given for disagreeing with re-adopting the current gambling policy were multiple. The most frequent reason (2 respondents, both representatives of Hippodrome casino) was that 'Adult Gaming Centres' are currently advertising themselves as casinos. This is 'misleading' and puts 'consumers at risk' since there is no casino level player protection.

Other reasons for disagreeing with the continuation of the current policy included that gambling is ruining the local community (1 respondent, a Westminster resident and homeowner); that 'nannyification' would not have any impact the choice of individual gamblers (1 respondent, unspecified); and that gambling premises were located near schools, which were not included as vulnerability zones or protected by a ban zone (1 respondent, Westminster resident, social tenant).

The majority of respondents did not provide any other comments or raise any considerations. 5 comments were left (27.7%) in total. One comment was not related

to the issue at hand, 1 comment was positive, and 3 comments were negative (therefore the majority of comments were negative). The positive comment was from a Westminster Residents Association (Belgrave) praising the council's transparency regarding the Gambling policy, showing appreciation for the council's 'diligence' in mitigating gambling-related harm, and agreeing with the proposed re-adoption of the existing gambling policy without revision.

One respondent (a representative of a local casino) commented further on the misleading advertisement of Adult Gaming Centres as casinos, setting out the different regulations pertaining to each type of venue. This respondent strongly suggested the Council ban AGCs from advertising themselves as casinos. One respondent, a Westminster resident, simply stated: 'Wrong'.

One respondent, another Westminster resident who had expressed concern about gambling premises near schools, commented further on the danger of having such sites near schools and bus stops, and asked whether WCC care about children's safety on the roads.

Overall, respondents were positive about the continuation of the current gambling policy. The majority of Westminster residents who responded expressed a preference for continuing with the policy. Two residents and two licensing firms suggested changing the policy due to concerns over advertising, community breakdown, and children's safety. However, these latter views were in the minority.

Please note that the limited number of respondents means the results should be interpreted with appropriate caution. It is likely that stakeholders chose not to respond to the consultation because the proposal to readopt the existing Gambling Policy was uncontentious.