

**Report for:** Overview and Scrutiny Committee

**Item number:** 12

**Title:** Consultation on revised Statement of Licensing Policy for Gambling Act 2005

**Report**

**authorised by :** Stephen McDonnell – AD Environmental Services & Community Safety

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

**Report for Key/  
Non Key Decision: Key Decision**

**1. Describe the issue under consideration**

It is a requirement to review the Council's Statement of Gambling Policy every three years. The current policy is due for review this year, to be published in January 2016. This report advises the O&S on the draft policy that is currently out for consultation. This draft is an updated version of the current policy, changed to reflect changes the Gambling Commission have introduced in their revision of the Gambling Commissions Licensing Conditions and Codes of Practise (LCCP). This made changes to the social responsibility measures licence holders are required to take. These changes are reflected as conditions that applicants have to comply with and are not duplicated in the policy. The Commission's Guidance to Licensing Authorities has recently been updated and the latest edition (5<sup>th</sup>) has been out for public consultation but the final version has yet to be published.

**2. Cabinet Member Introduction**

N/A

**3. Recommendations**

That the attached draft Statement of Licensing Policy for the Gambling Act 2005 be noted and any recommendations be submitted to Cabinet.

**4. Reasons for decision**

Although changes have been made to the LCCP and there are changes pending within the guidance there have been no changes to the Gambling Act, the three licensing objectives remain the same. They are:

- Preventing 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.

4.1 As a Licensing Authority we are required by the Licensing Act to aim to permit the use of premises for gambling in so far as the authority think it—

- (a) in accordance with the LCCP
- (b) in accordance with the guidance issued by the Commission,
- (c) reasonably consistent with the licensing objectives and
- (d) in accordance with the statement published by the authority under Section 349 of the Gambling Act 2005.

4.2 The matters updated in this policy are as follows:

Para 1.3 – Information on gambling data from the Prevalence Survey and outcome of the Scrutiny Review under taken by Haringey in 2011.

Para 2.8 – inserted to explain what social responsibility is as defined in the Gambling Commission Guidance.

Para 2.9 – highlights that further changes are expected next year in terms of guidance from Gambling Commission to allow for the consideration of local area profiles. It should be noted that this is not a change in the law and the need to aim to permit is still the overriding factor.

The latest updated stakes and prizes amounts and machine category chart can be found on page 33 and 34 at the back of the document.

## 5. **Alternative options considered**

No alternatives were considered. It is a legislative requirement that the policy be reviewed at least every three years, and that a public consultation is carried out. Failure to review and adopt the Statement of Gambling Policy would result in the Council failing to comply with legislation.

## 6. **Background information**

The Licensing Act 2005 contains details of the consultees that must be consulted as part of the review of the policy. These are:

- 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;
- One of 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.

6.2 Additionally the following will be included in the consultation:

- Holders of licences issued under the Gambling act 2005;
- Trade Associations representing the gambling industry;
- Haringey Social Services;
- Haringey Public Health Directorate;
- Residents Associations.

## 7. Contribution to strategic outcomes

Priority 3 of the Corporate Plan - A clean, well maintained and safe borough  
Where people are proud to live and work.

- 7.1 Objective 1 - Strengthening Communities and partnerships to improve our environment and reduce crime, enabling residents and traders to feel safe and proud of where they live. This will be delivered by effectively working with community networks, such as traders and residents associations and working in partnership with police colleagues.

Objective 2 – To make our streets, parks and estates, clean, well maintained and safe.

Objective 4- To prevent and reduce violence against women and girls. This will be delivered by raising awareness with the boroughs licence holders of the issues and scale of VAWG.

Objective 5 – To work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity. This will be delivered by working in partnership with police colleagues, schools and residents and businesses.

- 7.2 The above Priorities and objectives are underpinned by a number of cross – cutting principles, namely;
- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed.
  - A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
  - Working together with our communities – building resilient communities where people are able to help themselves and support each other.
  - Value for Money – achieving the best outcome from the investment made;
  - Customer focus – placing our customers needs at the centre of what we do;
  - Working in partnership – delivering with and through others.

## 8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

- 8.1 Finance and Procurement  
The cost of the public consultation on the draft new Statement of Licensing Policy will be met from existing budgets. There are no other financial implications.

- 8.2 Legal

In accordance with section 349 of the Gambling Act 2005 the Council, as licensing authority, is required at least every 3 years to prepare and publish its statement of Gambling Policy. In preparing its statement the Council is required to consult with the consultees listed at paragraph 6 of this report.

Under Regulations 4(1) (a) and (2) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Cabinet must be involved in the formulation and preparation of the Gambling Policy. Therefore it has to be considered by the Cabinet before recommendation to Full Council for adoption.

The Council's Gambling Policy is part of the Council's Budget and Policy Framework and so the views of the Overview and Scrutiny Committee must be included in the report to Cabinet. The report to Full Council will reflect the comments made by the Overview and Scrutiny Committee and the Cabinet's response.

8.3 In accordance with section 349 of the Gambling Act 2005 the Council, as licensing authority, is required at least every 3 years to prepare and publish its statement of Gambling Policy. In preparing its statement the Council is required to consult with the consultees listed at paragraph 6 of this report.

#### 8.4 Equality

The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

8.5 When framing its policy on the licensing of gambling premises, the Council must work within the statutory parameters of the Gambling Act, which includes a general 'aim to permit'. The Gambling Commission intends to publish new guidance in April 2016, and in light of this the Council may need to further review its gambling policy then. A new requirement for all applicants for gambling premise licences to submit an accompanying risk assessment is due to be introduced. If changes to the national framework are made, this may present an opportunity for the Council to better capture equalities considerations and mitigating actions e.g. an assessment over whether the premise is located near to areas with high numbers of children and young people, measures to reduce access for known vulnerable groups and an assessment over the local area's statistics on crime, demography and deprivation levels.

8.6 Steps will be taken during the consultation on the draft policy to ensure that all groups have the opportunity to contribute their views.

8.7 Adoption route timetable:

Draft document discussed with AD	July 2015
Report taken to Lead Member to seek sign off on approval to start consultation.	1 <sup>st</sup> September 2015
Consultation started	2 <sup>nd</sup> September 2015
Report taken to Regulatory Services/Cabinet and Overview and Scrutiny for noting and making comments that will be taken to Cabinet.	Regulatory - 21st September O&S - 19 <sup>th</sup> October
8 weeks Consultation ends	30 <sup>th</sup> October 2015
Report to Cabinet with outcome of consultation and final version to ask for recommendation to Full Council to adopt	10th November 2015
Report to Full Council for adoption	23 <sup>rd</sup> November
4 weeks public notice period.	31 <sup>st</sup> January 2016

## 9. Use of Appendices

**Haringey Statement of Licensing Policy for the Gambling act 2013-2016**  
**Gambling Commission Guidance for Licensing Authorities 4<sup>th</sup> Edition**  
**Gambling Commission Guidance for Licensing Authorities 5<sup>th</sup> Edition (draft)**  
**Gambling Commission Licensing Conditions and Codes of Practice May 2015**

## 10. Local Government (Access to Information) Act 1985 N/A

