

Agenda item:

[No.]

CABINET

On 17TH November 2009

Report Title. **Outcome of consultation on the revision of the Statement of Gambling Policy**

Report of **Director of Urban Environment - Niall Bolger**

Signed :

Contact Officer : Ms Daliah Barrett-Williams – Lead Officer Licensing 020 8489 8232

Wards(s) affected: **All**

Report for: **Key**

1. Purpose of the report

1.1 The Council prepared a Statement of Gambling Policy for the exercise of its functions under the Gambling Act 2005 which was published in December 2006. The Council is required to update this policy document every three years. A revised document has been consulted on and a decision is now required to accept the revised policy. This report recommends that the draft revised policy in Appendix 2 is approved for submission to Full Council .

2. Introduction by Cabinet Member

2.1 This is an important policy and gambling premises can be a source of significant concern to communities in which they operate. We have lobbied for a change in the law that will allow us to extend our policy and include 'clustering' as a material consideration when deciding an application. However, at this time we remain restricted as a Licensing Authority and can only consider each case on its merits under the existing licensing policy objectives.

2.2 We have strengthened our draft policy in a number of ways and consulted widely on these changes. Specifically we have made it clear that we will have regard to the proximity of gambling premises to establishments catering to children or

vulnerable adults and where there is clear evidence of an impact on one or more of the licensing objectives this will be a material consideration.

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

3.1 The policy links to other strategies of the Council:

- Community Strategy
- Unitary Development Plan
- Council Plan
- Children and Young Peoples Plan
- Safer for all (Safer Communities Plan)
- Regeneration strategy

4. Recommendations

4.1 That the background details in Section 5 and the consultation responses and analysis in Appendix 1 be noted.

4.2 That the revised policy contained in Appendix 2 be approved for consideration and adoption by Full Council. (Revisions are in underlined text).

5. Reason for recommendation(s)

5.1 There is a requirement under the Gambling Act 2005 (the Act) for the Policy to be reviewed every 3 years.

5.2 The Act contains three licensing objectives which underpin the functions that both the Commission and Licensing Authorities will perform. These are :

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority's revised Statement of Gambling Policy must show how these licensing objectives will be achieved and must have regard to the guidance published by the Gambling Commission in June 2008.

5.3 The Licensing Authority will continue to administer the following functions under the Act :

- Licence premises.
- Consider notices for temporary uses of premises for gambling.
- Grant permits for gaming and gaming machines in clubs (and similar).
- Regulate gaming and gaming machines in alcohol licensed premises.
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines.
- Grant permits for prize gaming.
- Consider occasional use notices for betting at tracks.
- Register small societies' lotteries.

6 Other options considered

6.1 The responses to the consultation have been considered as detailed in Appendix 1. Where the suggestions both support and improve the draft policy, and are not contradictory to the Gambling Act 2005 or associated Government guidance, we have incorporated into the revised policy.

6.2 The proposed timetable for the further approval of this report will enable the Licensing Authority to publish it's revised policy statement within the three year requirement in compliance with both the Gambling Act and the guidance provided by the Gambling Commission.

7 Summary

7.1 The Gambling Act 2005 brought in major reforms to the structure of the law on gambling in this country. It brought considerable responsibilities for local authorities in their role as the appropriate ' Licensing Authorities '. Every Licensing Authority must produce a policy statement in respect of gambling in their area which must be reviewed at least every three years .This report details the responses received during the consultation process for the first review of the policy.

7.2 The persons and stakeholders we should consult are detailed in the Act in general terms. Comments were received to the consultation and these are detailed in Appendix 1. The responses do not affect the draft policy significantly. All the responses received were from residents only and there was no response from any of the Responsible Authorities or from the betting industry.

8 Chief Financial Officer Comments

8.1 There are no significant financial implications arising from the recommendations in this report.

9 Head of Legal Services Comments

9.1 Legal comments are throughout the body of the report.

10 Equalities & Community Cohesion Comments

10.1 An equalities impact assessment report has been submitted. It is clearly seen by Government that gambling can impact on the lives of all in society and particularly the young and those people who may be vulnerable to gambling activities. It is a primary objective of both the Act and the local policy statement that such persons are protected.

11 Consultation

11.1 The Gambling Act 2005 requires the Licensing Authority to consult the following on the licensing policy statement or any subsequent revision:

- In England & Wales, the chief officer of police for the authority's area.
- Persons carrying on gambling businesses in the authority .
- 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.

11.2 Consultation in respect of this policy included those organisations and bodies who have responsibilities to protect the young, the elderly, and those other vulnerable groups within our community . This also includes faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, Primary Care Trusts and advocacy organisations such as the Citizen's Advice Bureau and trade unions. In addition, the draft statement was placed on the Council's website together with supporting explanation and guidance.

11.3 The consultation indicated that there was concern regarding the size and opening hours of gambling premises. We have been able to add to the revised policy to clarify that opening hours can take account of their likely impact on vulnerable people and the prevention of gambling being associated with crime and disorder.

11.4 Consultation feedback suggested there should be a general disposition to refuse applications where an applicant could not demonstrate social and economic benefits to the community. The present Government guidance is that in general

terms Licensing Authorities should ‘ aim to permit ’ where the three licensing objectives are met.

12 Use of appendices / tables and photographs

12.1 Appendix 1 Summary and analysis of comments received .

12.2 Appendix 2 Revised draft policy – revisions are in underlined text.