




Report for:	Overview and Scrutiny Committee – 22nd October 2012	Item Number:	
Title:	Responses to revised Gambling Policy consultation process		
Report Authorised by:	Lyn Garner- Director Place and Sustainability 		
Lead Officer:	Joan Hancox – Head of Neighbourhood Services		
Ward(s) affected: ALL	Report for Key/Non Key Decisions:		

1. Describe the issue under consideration

- 1.1 The Gambling Act 2005 came into effect in September 2007 and conferred powers on to the Licensing Authority of the Council to administer the process for dealing with the licensing of betting facilities in the borough, excluding remote gaming facilities and the National Lottery. The Act imposes a requirement on the Council to review its Gambling Policy every 3 years.
- 1.2 The Gambling Act 2005 also requires Licensing Authorities to prepare a Statement of Licensing Principles (the 'policy') setting out the basis on which it will perform its functions under the Act. A policy statement has a life of three years. After three years Licensing Authorities must review and, if necessary, revise the policy following a consultation exercise.
- 1.3 This report asks the Overview and Scrutiny Committee to note and approve the draft revised Statement of Licensing Policy and sets out the process and timetable for adoption.



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- 1.4 Haringey's current policy came into effect in January 2010 and is due for revision by January 2013. We are required to consult with a number of prescribed groups on any changes.

2. Cabinet Member introduction

- 2.1 We are obliged to review the Gambling Policy every three years. It is an explicit requirement that the Policy should also heed the regulations of the Gambling Act 2005. This Act prevents us from considering the concerns of residents in drafting the policy, specifically with regards to the clustering of betting shops. For this reason, I will continue to lobby Ministers and bookmakers themselves to ensure regulations and practices heed the concerns of residents.
- 2.2 This review also creates an opportunity for our residents and the betting industry to have a say in the way we will determine applications in the future.

3. Recommendations

- 3.1 That the revision of the policy is noted and sent on to Cabinet as part of the adoption route by Full Council.

4. Other options considered

Not applicable

5. Background information

- 5.1 The revised policy statement 2013-2016, retains the vast majority of the current policy, but has been updated to reflect practical changes that have arisen since its publication. The Guidance to Licensing Authorities is now in its 4th revision. The Gambling Act 2005 has also undergone a scrutiny review of how it has been administered since coming into effect in 2007. The issues identified have not affected local authorities; they have been mainly focused on the operation of the Gambling Commission.
- 5.2 The revised policy addresses formatting changes and various other minor issues as listed below:
 - Changed references and updates to gaming machines stakes and prizes and gaming machines allocations, where the Regulations have changed.
 - Correction of references to the licence condition and code of practice on primary gambling activity



5.3 Some small and specific matters of fact have been amended, to reference additional available material not integral to the Guidance; to provide updates on legislative change; or to clarify matters that have given rise to any degree of confusion in the previous edition of the Guidance.

- Addition of a reference to the range of statutory application forms and notices that licensing authorities are required by the legislation to use as part of their gambling licensing responsibilities.
- Reference to a document setting out the indicators that the Commission will use in assessing primary gambling activity in betting. These indicators are not brought into the Guidance but are referenced for information for licensing authorities.
- Additional explanation for the purposes of calculating permitted gaming machines in bingo premises, regarding how to categorise electronic bingo terminals (EBTs) according to whether or not they also hold gaming machine content.
- Reference to consideration of primary gambling activity in assessing applications for extended opening hours in bingo and betting is made.
- Reference to the Commission's indicators of primary gambling activity in betting premises is made.
- Clarity on the fact that there is nothing preventing any employment of under-18s on tracks betting premises. This is a new provision to the legislation.
- Definition of premises/ clarity on separate entrances- this makes clear that premises cannot be subdivided from within in order to be able to offer extra machines. Each premises will need to have its own recognised entrance off the street.
- Location/clarity on nuisance
- Planning matters clarified – no interface with Planning conditions or criteria
- Formatting changes and all reference to the transition period has been removed as this was only required when the Act first came into effect.
- Appendix 1 -Guidance on the various application processes

6. Comments of the Chief Finance Officer and financial implications

6.1 The cost of the statutory public notice will be met from the Licensing Budget, no further budget implications at this time.

7. Head of Legal Services and legal implications

7.1 The requirement to prepare, publish and consult on a three-yearly licensing policy (due by 31 January 2012) is found in S.349 of the Gambling Act 2005. There is no specified consultation period. Under S.25 of the Act, regard must be given to guidance to local authorities issued by the Gambling Commission. Further procedures (including mandatory content) are found in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. This includes the requirement to publish the policy for a minimum of 4 weeks before it comes into effect. Although the adoption of the policy is a non executive function,



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it must be considered by Overview and Scrutiny and Cabinet before Full Council adopts it since it forms part of the budget and policy framework.

8. Equalities and Community Cohesion Comments

8.1 The Gambling Act Statement of Policy is deemed to be of a low equality impact because of the statutory controls that are in place. However the issue of clustering of betting shops in the East of the Borough is of concern due to the equality profile of the residents. Unfortunately the local authority is unable to consider the demand criteria under the current legislation for the issuing of License as this is not a criteria and the licenses are determined by the legislation and the regulations. We therefore recognise the potential disadvantage for the protected equality groups in our communities due to the amount of gambling available on the high street. The impact of the high number of betting premises and its effect on communities is being looked at by the Department of Health in 2013, and there may be outcomes that will affect the legislation in the future. At present the Government dictates much of what needs to be included in the policy and these requirements are demonstrated in the revised policy.

9. Head of Procurement Comments

No Procurement issues raised by this report

10. Policy Implication

10.1 The existing policy will be replaced by this revised policy.

10.2 The timescales for progressing the change to the Policy is as follows:

- August 2012 - Agreement sought from Chair of Regulatory Services to go out for Formal Consultation Period
- End of September 2012 Analysis of comments received and refinement of policy
- September 2012 Final draft policy completed
- Regulatory Committee (due to time constraints the Chair of the Regulatory Committee will be consulted prior to 22nd October 2012)
- Overview and Scrutiny Committee 22nd October
- Cabinet 13th November 2012
- Full Council 19th November 2012
- Public notice published for 4 weeks to end of December 2012
- 31st January 2013 New Policy in place.

11. Use of Appendices

Appendix 1 – Representations received

Appendix 1A - Responses from consultation - Letters



12. Local Government (Access to Information) Act 1985

Appendix 1A- Consultation responses

Person/Organisation making representation	Representation made	Does it have an effect on the Policy
Colin Kerr	Expressed a wish for each individual application to be taken to Full Council for consideration.	<p>The legislation does not have this requirement and states that the Full Council is required to address the adoption of an overall gambling policy. Elected members are specifically trained for their role in determining individual cases brought before the Licensing Sub Committee.</p> <p>All members are advised of new applications or variations received in relation to betting applications in general as well as outcomes.</p> <p>This representation will not have any effect on the policy.</p>
Let's Be Fair (Campaign for Fairer Gambling)	Requested that analysis should commence on reflecting on what local betting shops sector would look like if FOBTs had not been introduced. Claims that FOBTs have led to the clustering of betting shops. Also raises concerns about crime and disorder in betting shops vicinity and the	<p>The matters raised by the Campaign for Fairer Gambling have been shared with the Gambling Commission and are subject to responses from the Gambling Commission.</p> <p>The Councils statement of Gambling policy must comply with the legislation and the</p>



	<p>primary use of betting shops.</p>	<p>Guidance as it currently stands. The government has recently stated that they will be looking at the number of FOBTs in betting shops and minimising the amount of spins a gaming machine can do in a period of time in order to reduce the amount of money a punter can feed into it.</p> <p>As an when the primary legislation is altered we will consult on any relevant changes, at this moment in time we are not in a position to make these changes to the policy.</p>
<p>Liberal Democrat Group</p>	<p>The clustering of betting shops should be clearly defined and appropriately reflected in relevant planning documents.</p> <p>The planning service to develop a clustering policy.</p> <p>Implement the recommendations of the Scrutiny Review.</p> <p>Lobby Central government for amendments to the Gambling Act 2005</p> <p>Consider adopting Article 4 Direction</p> <p>Better liaison between Safer Neighbourhood team and betting shops</p>	<p>The legislation does not permit demand to be taken into account.</p> <p>Planning matters cannot be considered under the Licensing regime</p> <p>The recommendations are being implemented but they do not impact on the policy.</p> <p>Central government is being lobbied, but this does not impact on the policy at this moment in time.</p> <p>Planning matters cannot be considered.</p> <p>The local SNTs are actively working with betting shops. Does not</p>



	<p>to tackle low level antisocial behaviour.</p> <p>Consider the associated risk with problem gambling.</p>	<p>impact on the policy.</p> <p>Work is being undertaken by the Haringey Public Health around this as well as by the Department of Health at National level. If there are any changes that made to the primary legislation we will reflect that in the policy. At this moment there is no impact on the policy.</p>
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