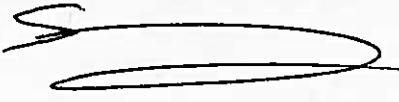


Haringey Council

Report for:	Regulatory Committee	Item Number:	
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Title:	Consultation on revised Statement of Licensing Policy for Gambling Act 2005 – for noting and comments.
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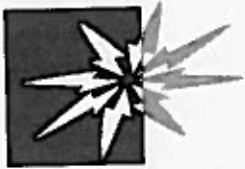
Report Authorised by:	Stephen McDonnell – AD Environmental Services & Community Safety 
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Lead Officer:	Eubert Malcolm – Service Manager Community Safety and Regulatory Services.
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Ward(s) affected: All	Report Non Key Decisions: Key Decision
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Describe the issue under consideration:

1. 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 seeks authorisation to take the attached draft policy to public 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 (5th) has been out for public consultation but the final version has yet to be published.
- 1.1 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;



Haringey Council

- 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.

1.2 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.

1.3 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.

2. Recommendations

2.1 That the attached draft Statement of Licensing Policy for the Gambling Act 2005 be noted for information and comments.

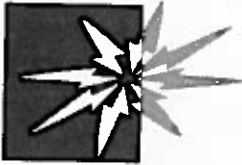
3. Alternative options considered

3.1 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 being failing to comply with legislation.

4. Background information

4.1 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;



Haringey Council

- 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.

4.2 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.

5. Comments of the Chief Finance Officer and financial implications

5.1 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.

6. Comments of the Assistant Director of Corporate Governance and legal implications

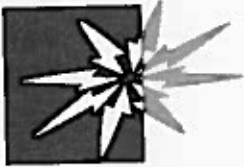
6.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.

6.2 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 4.1 of this report.

7. Equalities and Community Cohesion Comments

7.1 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.



7.2 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.

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

8. Head of Procurement Comments

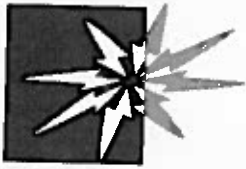
8.1 There are no procurement related issues in relation to the content of this report.

9. Policy Implications

9.1 The adoption process is outlined below:

Draft document discussed with AD	July 2015
Report taken to Lead Member to seek approval to start consultation.	1 ST September 2015
Consultation started	9 th September 2015
Report taken to Regulatory Services/Cabinet and Overview and Scrutiny for noting and making comments that will be taken to Cabinet.	Regulatory - 21 st September O&S - 19 th October
Consultation ends	30 th October 2015
Report to Cabinet with outcome of consultation and final version to ask for recommendation to Full Council to adopt	10 th November 2015
Report to Full Council for adoption	23 rd November
4 weeks public notice period.	31 st January 2016

10. Reasons for Decision



Haringey Council

10.1 In order to comply with Section 349 of the Gambling Act 2005 the authority needs to have consulted upon and adopted a Statement of Gambling Policy.

11. Use of Appendices/background documents

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

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

1912

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