

STATEMENT OF GAMBLING POLICY

Reporting Officer: Head of Democratic Services

SUMMARY

To seek Council's approval of the revised Statement of Gambling Policy following the statutory three year review of the policy and upon recommendation by Cabinet.

RECOMMENDATION: That the revised Statement of Gambling Policy, as attached, be adopted for immediate implementation until January 2016.

INFORMATION

The Gambling Act 2005 requires the Council, as the Licensing Authority, to review and publish a Statement of Gambling Principles every 3 years. The current statement expires in January 2013 and failure to have a new one in place would compromise subsequent decisions made by the Licensing Committee and/or its sub-committees.

The current policy has worked well since its implementation in 2007 and has not been subject to any challenge. There have been no significant amendments made to the Gambling Act 2005 by Government. Only minor changes were proposed to the existing policy, which are further outlined in the Cabinet report of 20 December 2012.

In agreeing this policy framework document, Council should note:

- 1) Cabinet at its meeting on 27 September 2012 agreed the draft revised policy for consultation;
- 2) Consultation on the revised policy took place during October / November 2012 to a wide variety of community groups and relevant organisations, including the Licensing Committee and the Residents' & Environmental Services Policy Overview Committee;
- 3) Following consultation, Cabinet on 20 December 2012 subsequently endorsed the revised policy and recommended it to Council for approval.

Attached is the covering report and revised policy from the Cabinet meeting on 20 December 2012.

Financial Implications

Any costs associated with minor changes in the policy, can be met from within existing budgets.

Legal

There are no additional legal issues other than those highlighted in the report.

BACKGROUND PAPERS: Gambling Act 2005.

STATEMENT OF GAMBLING POLICY REVIEW

Cabinet Member(s)	Cllr Jonathan Bianco
Cabinet Portfolio(s)	Finance, Property and Business Services
Officer Contact(s)	Sharon Garner / Stephanie Waterford, Residents Services
Papers with report	Appendix 1 - Draft Review of Statement of Gambling Principles 2013 – 2016

1. HEADLINE INFORMATION

Summary	To seek Cabinet approval of the draft Statement of Gambling Principles, prior to adoption by full Council on 17 th January 2013
Contribution to our plans and strategies	Putting our residents first Sustainable Community Strategy Protection of Children and Vulnerable Persons
Financial Cost	There are no additional costs arising from the proposed changes to the Statement of Gambling Principles.
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	All

2. RECOMMENDATION

That Cabinet:

- Notes the recent consultation on the proposed changes to the Draft Statement of Gambling Principles (the policy), to which no responses were received.**
- Approves the final document including the changes summarised in Para 3.b of this report and recommends adoption of the policy to full Council on 17th January 2013.**

Reasons for recommendations

Under policy framework procedures, Cabinet must approve the draft statement of gambling principles before it can be submitted to full Council for full adoption on 17th January 2013.

Alternative options considered / risk management

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The Gambling Act 2005 requires the Council, as the Licensing Authority, to publish a Statement of Gambling Principles, every 3 years.

The current statement expires in January 2013, and failure to have a new one in place may affect Gambling Act 2005 decisions made by the Licensing Committee and/or its sub-committees.

Policy Overview Committee comments

The Residents' and Environmental Services Policy Overview Committee noted the report on 15th November 2012.

3. INFORMATION

3.a - Supporting Information

In May 2012, a working party was convened to start the second review of the Council's Statement of Gambling Principles. The working party was made up of the following officers:

- Stephanie Waterford, Licensing Service Manager;
- Sharon Garner, Licensing Officer;
- Sarah White, Licensing Lawyer;
- Paul Hewitt, Local Safeguarding Children Board.

The current policy has worked well since its implementation in 2007 and has not been subject to any challenge. There have been no significant amendments made to the Gambling Act 2005 by Government. It was therefore decided by the working party not to amend the content or format of the existing policy to any great degree, until further consultation with stakeholders was carried out.

The working party was re-convened after some discussion with relevant stakeholders, and the policy was then amended accordingly.

3.b – Summary of changes to the Statement of Gambling Principles

In summary, the proposed amendments to the policy include:

- Preface – Deleted, as the working party felt that this was superfluous to the needs of the policy.
- Para 1.5 – 1.9 Deleted as the working party felt that they were superfluous to the needs of the policy.
- Para 1.13 – Deleted as this is not necessary for this review of the policy.
- Para 1.14 – Amended - Full list of consultees provided.
- Para 1.17 – Deleted as the working party felt that this was superfluous to the needs of the policy.
- Para 4.19 and 4.20 – Inserted to explain concisely how each case will be dealt with and how applicants should prepare their application.
- Para 4.30 – Inserted to address the resolution to prohibit casinos in the Borough
- Para 4.70 and 4.73 – Revised and expanded to explain the process of reviewing a premises licence.

- Para 7.13 – Amended to explain the expectation for small society lotteries to renew their registrations each year
- Appendix B – Deleted as the working party felt that it was not necessary to include a map of Hillingdon.
- Appendix D – Amended - Delegation of powers to revoke an automatic entitlement for gaming machine notifications

The finalised "Draft Statement of Gambling Principles 2013-2016" is at Appendix 1 to this report. The amendments and deletions listed above are shown in this version of the policy.

3.c – Approval and time line

The approval process and time-line is shown below:

- Draft policy to Cabinet for comments before consultation: 27/09/12
- Draft policy to RESPOC for scrutiny: 18/10/12
- Draft policy to Cabinet for approval: 20/12/12
- Draft policy to full Council: 17/01/13
- Policy comes into force, until 2016.

3.d - Financial Implications

The cost to the Council of implementing the Statement of Gambling Principles is met from gambling licence fees and contained within the existing revenue budgets of Residents Services.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

4.a - What will be the effect of the recommendation?

The Gambling Act 2005 requires the Council, as the Licensing Authority, to have a "Statement of Gambling Principles". The legislation requires the Licensing Authority to promote the three prime licensing objectives:

- 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.

The Statement of Gambling Principles therefore has an impact on local residents, service users, local businesses and communities.

4.b - Consultation Carried Out or Required

Full consultation on the amendments was carried out between 28th September 2012 and 9th November 2012.

Consultees included:

- Elected Members;

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- Gambling trade representatives;
- Responsible Authorities;
- Neighbouring local authorities;
- Local residents associations and local community groups;
- Licensing Solicitors;
- Licensed premises.

No responses were received from the consultees.

5. CORPORATE IMPLICATIONS

5.a - Corporate Finance

Corporate Finance has reviewed this report and concurs with the financial implications set out above; noting that all costs associated with this review will be met from existing revenue budgets.

5.b - Legal

The London Borough of Hillingdon is required to reconsider and produce a revised Statement of Principles under Section 349 of the Gambling Act 2005 which states:

A licensing authority shall, before each successive period of three years:

- (a) Prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period and;
- (b) Publish the statement.

The Statement of Principles has to be determined in consultation with the police, those representing the interests of persons carrying on local gambling businesses, those representing the interests of residents likely to be affected, the Gambling Commission and others that are suggested in the guidance. The process of consultation and the content of the proposed policy outlined in this report complies with the requirements of the Gambling Act 2005.

It is vital that the approval process and time-line detailed above is adhered to in order to ensure the timely approval of a new gambling policy.

BACKGROUND PAPERS: NIL