

STATEMENT OF GAMBLING PRINCIPLES REVIEW

Officer Contact

Sharon Garner – Planning, Environment, Education and Community Services

Papers with report

- Draft Review of Statement of Gambling Principles 2013 – 2016
- Cabinet Report

REASON FOR ITEM

The Gambling Act 2005 requires the Council, as the Licensing Authority, to review its statement of gambling licensing policy every 3 years. This is the second review since the implementation of the Act in 2007. The Council will need to approve and adopt the revised policy which will be effective from 2013 to 2016.

OPTIONS AVAILABLE TO THE COMMITTEE

That the Committee provides any comments on the draft policy, which will be sent to Cabinet in December before final approval by Council in 2013.

INFORMATION

In May 2012, a second review of the Council's Statement of Gambling Licensing Policy was initiated. The current gambling licensing policy has worked well since its implementation in 2007 and has not been subject to any challenge. There have also been no significant amendments to the Gambling Act 2005. Little change to the content or format of the existing policy is being proposed.

Cabinet considered the draft policy at its September 2012 meeting and, as a policy framework document, the relevant Policy Overview Committee should be consulted before the policy is later sent for approval.

The policy acts as the framework for all decisions made by the Licensing sub-committees on gambling related matters.

Full details are provided within the covering Cabinet report. The proposed draft policy is also attached for reference.

BACKGROUND PAPERS

The Gambling Act 2005
Gambling Commission Guidance to Licensing Authorities

STATEMENT OF GAMBLING PRINCIPLES REVIEW

Cabinet Member	Cllr Jonathan Bianco
Cabinet Portfolio	Finance, Property & Business Services
Officer Contact	Sharon Garner – Planning, Environment, Education and Community Services
Papers with report	Appendix 1 - Draft Review of Statement of Gambling Principles 2013 – 2016 (CIRCULATED SEPERATELY)

HEADLINE INFORMATION

Purpose of report	To seek Cabinet's approval of the draft Statement of Gambling Principles for consultation.
Contribution to our plans and strategies	Sustainable Community Strategy
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

RECOMMENDATION

As a Policy Framework Document, That Cabinet agree the draft Statement of Gambling Principles for consultation and receives consultation feedback at its December meeting before being recommended to Council for adoption.

INFORMATION

Reasons for recommendation

Under licensing legislation, Cabinet is required to approve a draft statement of gambling principles before is circulated for consultation purposes.

Alternative options considered / risk management

The Gambling Act 2005 requires the Council, as the Licensing Authority, to publish a statement of gambling principles, every 3 years.

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

Comments of Policy Overview Committee(s)

The Residents' and Environmental Services Committee will be consulted in October and comments provided to Cabinet in December 2012.

Supporting Information

In May 2012, a working party was convened to carry out the initial second review of the Council's Statement of Gambling Licensing Policy. 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 gambling licensing policy has worked well since its implementation in 2007 and has not been subject to any challenge. There have been no significant amendments to the Gambling Act 2005. It was therefore decided by the working party not to change the content or format of the existing policy to any great degree until further consultation is carried out.

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

In summary, the proposed changes 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 to 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

Approval process and time-line

- Draft policy to Cabinet for comments before consultation 27/09/12
- Draft policy to RESPOC for consultation 18/10/12
- Draft policy to Cabinet for approval 20/12/12

- Draft policy to full Council 10/01/13
- Policy comes into force until 2016

Financial Implications

The costs to the Council of implementing the Statement of Gambling Principles are met from gambling licence fees and contained within the existing revenue budgets of the Planning Environment Education and Community Services group.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

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. This 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 will therefore have an impact on local residents, service users, local businesses and communities.

Consultation Required

Subject to the agreement of this draft, full consultation on the minor amendments will be carried out between 28th September 2012 and 9th November 2012.

Consultees will be:

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

CORPORATE IMPLICATIONS

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.

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:

- (1) 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