

STATEMENT OF GAMBLING PRINCIPLES REVIEW (POLICY FRAMEWORK DOCUMENT)

Cabinet Member

Councillor Jenkins

Papers with report

Appendix 1 - Draft Statement of Gambling principles 2010 – 2013
Appendix 2 - Consultation response table

HEADLINE INFORMATION

Purpose of report

To seek the approval for full Council approval of the draft statement of gambling principles, a policy framework document.

Contribution to plans and strategies

The Gambling Act 2005 requires the London Borough of Hillingdon to publish a statement of gambling principles every 3 years

Financial Cost

There are no additional financial implications directly associated with the recommendation of this report.

Relevant Policy Overview Committee

Residents' and Environmental Services

Ward(s) affected

All

RECOMMENDATION: That, following Cabinet recommendation of 17 December 2009, Council approves the changes to the Gambling Policy / Statement of Principles as set out in Appendix 1.

INFORMATION

Reasons for recommendation

Cabinet has approved the draft statement of gambling principles and it is now submitted to full Council for full adoption on 14 January 2010.

Alternative options considered / risk management

None as the Gambling Act 2005 requires the Council, as the Licensing Authority, to publish a statement of gambling principles every 3 years.

Comments of Policy Overview Committee(s)

The Residents' and Environmental Services POC reviewed the draft policy and changes (in accordance with the policy framework procedure rules) at its meeting on 18 November. It endorsed them for consideration by the Cabinet.

Supporting Information

In April 2009, a working party was convened to carry out the first review of the Council's Statement of Gambling Licensing Policy. The working party was made up of the following officers:

- Norman Stanley, Licensing Service Manager
- Stephanie Waterford, Licensing Officer
- Sue Pollitt, Deputy Consumer Protection Manager
- Beejal Soni, Licensing Lawyer
- Natasha Dogra, Democratic Services
- Sgt Ian Meens, Police Licensing Sergeant
- Paul Hewitt, Local Safeguarding Children Board

The working party agreed that the current gambling licensing policy has worked well since its implementation in 2007 and has not been subject to any challenge. It was therefore agreed by the working party not to change the content or format to any great degree, however some minor changes were proposed and full consultation began on 17 July 2009.

The full Licensing Authority were informed of the process and invited to make any comments or proposals for the new policy. This included Members of the Licensing Committee.

The working party was re-convened after consultation on 10 September 2009 to discuss the responses and the policy was amended accordingly.

In summary, the changes to the policy include:

- Para 3.3 – 3.4 – New paragraphs added to replace old paras 3.3 – 3.18 as the working party felt that they were superfluous to the needs of the policy.
- Para 5.7 – Changes to the stakes and prizes of gaming machines have been made in line with the new statutory limits.
- Para 5.30 and 5.43 – The last sentence was removed as this was a duplication of other provisions within the Licensing Act 2003.
- Para 5.32 – The working party felt that the requirement for an applicant to submit a full detailed premises plan for a gaming machine permit was a duplication of the premises licence application process under the Licensing Act 2003. A new para 5.32 was added to cover the location of gaming machines.
- Para 6.1 – Revised to expand the definition of a 'Temporary Use Notice'.
- Para 6.5, 6.7 & 6.8 – Expanded to clarify the 'Temporary Use Notice' procedure.
- Para 8.4 – Revised by new paras 8.4 and 8.5 to expand the decision making powers of the Licensing Authority.

The draft policy was presented to the full Licensing Committee and subsequently endorsed on 1 October 2009.

Approval process and time-line

- Draft policy to be approved by the full licensing committee (*Approved on 1st October 2009*)
- Draft policy to RESPOC for review 18/11/09
- Draft policy to Cabinet for approval 17/12/09 (Cabinet endorsed the policy and recommended it to full Council).

- Policy to full Council 14/01/10 for adoption
- Policy comes into force until 2013

Financial Implications

The recommendation of the report has no direct financial implications beyond existing budget allocations.

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 being:-

- 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 Carried Out or Required

Full consultation on the minor amendments was carried out between 17 July 2009 and 28 August 2009.

Consultees included:

- Elected Members (Cabinet Member, Licensing Committee and RESPOC)
- Gambling trade representatives
- Responsible Authorities
- Neighbouring local authorities
- Local residents associations and local community groups
- Licensing Solicitors
- Licensed premises

Consultation closed on 28 August 2009 with a total of 5 responses (attached).

CORPORATE IMPLICATIONS

Corporate Finance

A Corporate Finance Officer has reviewed the report and is satisfied that there are no direct financial implications arising from the recommendation of this report.

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 outlined in this report complies with the requirements of the Gambling Act 2005.

When carrying out its functions under the Gambling Act 2005, the Council's Licensing Committee, will apply this Statement of Principles, the Act itself, any Regulations, and Guidance from the Gambling Commission when determining its decisions.

As set out in Article 4 of the Council's Constitution, the Council's Statement of Gambling Policy is a policy framework document and therefore any approvals of such documents are required by full Council.

BACKGROUND PAPERS: The Gambling Act 2005; Gambling Commission Guidance to Local Authorities 3rd Edition