

GAMBLING POLICY (STATEMENT OF PRINCIPLES) 2016-2019**LHR L89****CABINET MEETING DATE****23 November 2015****COUNCIL MEETING DATE****25 November 2015****CLASSIFICATION:****Open****If exempt, the reason will be listed in the main body of this report.****WARD(S) AFFECTED****All Wards****CABINET MEMBER****Cllr Linden****Deputy Mayor****KEY DECISION****Yes****REASON****Affects Two or More Wards****CORPORATE DIRECTOR****Gifty Edila, Corporate Director of Legal HR and Regulatory Services**

1. CABINET MEMBER'S INTRODUCTION

- 1.1 The Council is required by Section 349 of the Gambling Act 2005 to publish a Gambling Statement of Principles, known locally as the Gambling Policy ("the Policy"). The Policy sets out the principles to be applied by the Council as a Licensing Authority when determining applications under the Gambling Act 2005.
- 1.2 On 10 November 2015, the Licensing Committee resolved that the proposed Policy, attached at Appendix 1, be commended to Cabinet for recommendation to the Council for approval.
- 1.3 I commend this report to Cabinet.

2. CORPORATE DIRECTOR'S INTRODUCTION

- 2.1 This report provides members with relevant information on the Gambling Act 2005 ('the Act') so that Members can note and endorse the proposed Policy as attached at Appendix 1.
- 2.2 As part of the statutory review of the Policy consultation took place from 20 July to 4 September 2015 with key stakeholders and the community, in accordance with the provisions set out in the Act. The proposed Policy at Appendix 1 takes into account the views of those who responded to the consultation.

3. RECOMMENDATION(S)

- 3.1 That the Cabinet agrees the proposed Policy and agrees to recommend its adoption to Council.**
- 3.2 That Council is asked to note the proposed Policy as recommended by the Cabinet and agree its adoption.**
- 3.3 That the Corporate Director of Legal, HR & Regulatory Services is authorised to make any non-substantive changes to the proposed Policy as appropriate.**

4. REASONS FOR DECISION

- 4.1 The Council is required by Section 349 of the Gambling Act 2005 to publish a Policy. The Policy sets out the principles to be applied by the Council as a Licensing Authority when determining applications under the Act.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

N/A.

6. BACKGROUND

6.1 Policy Context

6.1.1 Section 349 of the Act states that each Licensing Authority must prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act during the three year period to which the policy applies. The Policy must be kept under review during the period and be republished where it is revised. The Policy must be in place before the Authority can determine any application.

6.1.2 The Policy sets out the basis of decisions made by the Authority regarding gambling premises and in issuing a range of permits to authorise other gambling facilities in the area. For example:

- Adult gaming centre premises licences
- Betting premises licences
- Bingo premises licences
- Family entertainment centre premises licences
- Gaming Machine Permits
- Temporary Use Notices

6.1.3 The Policy must take account of the Gambling Commission Guidance, and be subject to statutory consultation with prescribed stakeholders including the holders of licences and the police, as well as other stakeholders including representatives of gambling businesses, local residents, social services and child protection.

6.1.4 The Policy reflects the new requirement placed on operators that will require them to conduct a local risk assessment in order to understand the risks associated with the areas in which they have, or wish to have, a gambling premises. The requirement will come into force in April 2016.

6.1.5 It should be noted that on 25 March 2015 the Licensing Committee supported a further resolution not to issue casino licences, given the characteristics of the Borough. A similar resolution was passed 3 years ago and expires on 30 January 2016.

6.1.6 The Council will also consider whether or not to make a further 3 year resolution at the meeting on 25 November 2015. The resolution can be withdrawn at any time.

6.2 Equality Impact Assessment

6.2.1 An Equality Impact Assessment (EIA) was carried out for the existing policy. As there have been no significant changes to the proposed Policy, a further EIA was not completed on this occasion.

6.3 Sustainability

6.3.1 The Policy includes a section on “Integrating Strategies”, which makes specific reference to Hackney’s Sustainable Community Strategy.

6.3.1 The foreword to the Policy has highlighted that the Act limits the powers available to the Council in controlling the number of gambling premises, in particular, betting shops.

6.4 Consultations

6.4.1 On 1 June 2015 the Licensing Committee approved the draft Policy for consultation.

6.4.2 As part of the process, information was published in Hackney Today and on the Council’s website. Officers also sent correspondence to statutory bodies and authorities as well as holders of relevant authorisations.

6.4.3 The consultation ran for 12 weeks from 15 June to 4 September 2015 and six responses were received. The responses can be found at Appendix 2.

6.5 Risk Assessment

6.5.1 There is little risk as the proposed policy does not vary significantly to the current gambling policy which has been in place since January 2013. However, the Policy has been updated to reflect the new requirement placed on operators as referred to in Paragraph 6.1.4 above.

7. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

7.1 This report recommends that the Cabinet endorses the proposed Gambling Policy for adoption by the Council.

7.2 The Policy may have an impact on the future cost of administration and enforcement of licences due to a new requirement placed on operators to conduct a local risk assessment.

7.2 The financial impact of the implementation of the Gambling Policy will be managed within the Regulatory Services budgets.

7.4 There are currently no casinos in the Borough and therefore there will be no direct financial implications resulting from the resolution not to issue casino licences.

8. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

- 8.1 The Council's current Gambling Policy was approved on 21 November 2012. The Council, as Licensing Authority, is required by Section 349 of the Gambling Act 2005 to publish a revised Policy by January 2013.
- 8.2 The Licensing Authority has a duty to consult on the Policy with its statutory consultees under section 349 of the Act. The current statutory Guidance issued by the Gambling Commission suggests a 12 week consultation period. The consultation undertaken is in line with the Government's Cabinet Office Consultation Principles ("the Cabinet Office Principles"), which outlines the need for a targeted and proportional approach.
- 8.3 The consultation of the Policy attracted a limited number of responses. This perhaps reflects the fact that the Policy has in reality had very few changes following its last legal review in 2012. As such, having considered the consultation undertaken, the revised policy is in compliance with both the Act and current Guidance, which the Licensing Authority must have regard to.
- 8.4 Approving the Policy cannot be the sole responsibility of the Executive. Therefore, Full Council must decide whether to adopt the proposed Policy, as set out in The Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006.
- 8.5 After adopting the revised Policy, the Council will still need to publish the Policy and a statutory notice of intent at least 4 weeks before the Policy takes effect on 31 January 2016.

APPENDICES

Appendix 1 – Gambling Policy 2016-2019 for approval.
Appendix 2 – Table of responses received

EXEMPT

N/A

BACKGROUND PAPERS

N/A

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