

9th September 2009

LOCAL NEIGHBOURHOODS SCRUTINY COMMITTEE

REVIEW OF GAMBLING POLICY

WARD/S

ALL

CONTRIBUTORS

Environment Services Department

SYNOPSIS

The Council's statement of principles in relation to gambling is required by legislation to be reviewed and any amended policy published by the 3rd January 2010. The draft amended statement of principles is currently out to consultation.

RECOMMENDATIONS

That the Committee note the report and make recommendations to the Cabinet Member for approval of the statement of principles in relation to gambling.

CONTACT OFFICER:

Valerie Ellison
Head of Operations (Commercial)
Public Protection and Safety Division / Environment Services Department
5th Floor, Town Hall Extension, King Street, London W6 9JU
020 8753 3905

Introduction

1. Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the gambling policy applies.
2. The first statement of principles was published by the London Borough of Hammersmith and Fulham on the 20th December 2006 and took effect on the 31st January 2007. This draft statement of principles is our second in the required three year period and must be published at least 28 days before it comes into effect i.e. by the 3rd January 2010.

Review process

3. In reviewing the statement of principles we have considered:
 - The guidance issued to licensing authorities by the Gambling Commission (Section 25(2));
 - Local crime prevention;
 - The licensing policy;
 - Our planning, transport, tourism and cultural strategies; and
 - Our equality agenda.

Consultation process

4. The Act requires the licensing authority to consult on its statement of principles with the police; those who represent the interests of gambling businesses in their area; and those which represent interested persons likely to be affected (Section 349 (3)).
5. In addition to the statutory consultees, the following were also consulted:
 - Trade associations
 - Residents' associations
 - Businesses
 - Fire authority
 - Ward councillors
 - Neighbouring authorities
 - Chamber of Commerce
 - Drug and alcohol action team
 - Crime and disorder reduction partnership
 - Trade unions
 - Other relevant people who could be affected by this policy
6. The draft amended statement of principles at Appendix 1 includes a list of the persons consulted.

Issues for consideration

7. The licensing authority can only consider matters within the scope of the Gambling Act, Guidance and associated Codes of Practice and cannot become involved in the moral issues relating to gambling.
8. Consideration must be given to the three licensing objectives set out in paragraph 9 below as well as the needs of businesses within the borough.

Licensing objectives

9. The Gambling Act sets out three licensing objectives:
 - Preventing gambling from being a source of crime and 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.

Number of premises within the borough

10. This Authority currently has the following number of premises with a gaming permit or premises licence:
 - Adult Gaming Centres - 13
 - Betting Shops - 54
 - Track betting premises (all the football grounds) - 3
 - Gaming Permits - 59
 - Small Society Lotteries - 57
11. There has been no significant increase or decrease in the number of premises requiring a gaming permit or a premises licence, within the last three years.

Proposed amendments to the policy

12. Amendments are required to update the policy, particularly having regard to changes made to the Statutory Guidance issued by the Gambling Commission. In reviewing this policy there have only been minor alterations to the Statement of Policy, as detailed in paragraph 13 below.
13. There has been concern that some premises may be sub-divided purely to take advantage of additional machine entitlements offered by two separate premises licences. An additional paragraph in the Policy (paragraph 3.4) seeks to provide clarification on this matter and outlines several questions that an operator would need answer before subdivision of a premises could be considered.

No casino resolution

14. The Council currently has a 'no casino' resolution. This means that we will not consider any applications for a premises licence for a casino. We will return any applications we receive with a notice that a 'no casino' resolution is in place.
15. Previously the Council decided that a casino would not be appropriate in the borough because it is mainly residential and a casino would be out of character with the area. Also, at the moment, we have varied leisure and night-time activities around three town centres. We would not want to create an inequality between these competing town centres.
16. The 'no casino' resolution came into effect on the 31st January 2007. This resolution needs to be reviewed at least every three years.
17. A copy of the amended statement of principles is attached as Appendix 1 for comments.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS**

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	The Gambling Act 2005	Adrian Overton x3081	Environment Services Department / 5 th Floor Town Hall Extension
2.	The Guidance to Licensing Authorities May 2009	Adrian Overton x3081	Environment Services Department / 5 th Floor Town Hall Extension
3.	List of consultees	Adrian Overton x3081	Environment Services Department / 5 th Floor Town Hall Extension

Appendix 1 – Draft amended statement of principles