

Report to Council

24 OCTOBER 2012

LEADER

*Councillor Nicholas
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**CABINET MEMBER
FOR RESIDENTS
SERVICES**

Councillor Greg Smith

**REVIEW OF THE COUNCIL'S STATEMENT OF
GAMBLING PRINCIPLES**

This report seeks approval for the Council's Revised Statement of Gambling Principles 2013, which has been publicly consulted upon.

A Statement of Principles provides advice and guidance to local authorities when exercising their functions under the Gambling Act 2005. It also provides guidance to applicants and objectors.

The Council's current Statement of Gambling Principles 2009 took effect in January 2010 and expires in January 2013. A draft revised Statement of Gambling Principles 2013 has been prepared for consideration based on the results of the consultation.

This report outlines the review and consultation process, issues for consideration and the proposed amendments which were subject to public consultation.

CONTRIBUTORS

Transport & Technical
Services Department

Legal and Democratic
Services

Finance and Corporate
Services

RECOMMENDATIONS:

Council is asked to approve the Council's revised Statement of Gambling Principles 2013 as set out in Appendix D of this report.

Wards

All

1. BACKGROUND

- 1.1 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.
- 1.2 The first statement of principles was published by the London Borough of Hammersmith and Fulham on 20 December 2006 and took effect on 31 January 2007. The Council's current Statement of Gambling Principles 2009 took effect in January 2010. The draft revised Statement of Gambling Principles 2013 is the third statement of principles and must be published at least 28 days before it comes into effect in January 2013.

2. REPORT

2.1 Introduction

- 2.1.1 The Gambling Act 2005 Act came into force in September 2007 and created a new system of licensing and regulation for commercial gambling. The Act gave licensing authorities a number of important regulatory functions in relation to gambling. The main functions are as follows:
- licence premises for gambling activities;
 - consider notices given for the temporary use of premises for gambling;
 - grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
 - regulate gaming and gaming machines in alcohol licensed premises;
 - grant permits to family entertainment centres for the use of certain lower stake gaming machines;
 - grant permits for prize gaming;
 - consider occasional use notices for betting at tracks; and
 - register small societies' lotteries.
- 2.1.2 The 2005 Act sets out three licensing objectives which the licensing authority has a duty to promote. These are:
- 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.

2.1.3 This Authority currently has the following number of premises with a gaming permits or premises licences:

- Adult Gaming Centres - 13
- Betting Shops - 54
- Track betting premises (all the football grounds) - 3
- Gaming Permits - 59
- Small Society Lotteries – 57

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.

2.1.4 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.

2.2 Review Process

In reviewing the statement of principles we have considered:

- The promotion of the three licensing objectives;
- The guidance issued under Section 25 of the Gambling Act 2005,
- The current Statement of Gambling Policy 2009;
- Local crime prevention
- Disability Equality Scheme and Single Equality Scheme

2.2.1 Consultation process

On 15 March 2012 a questionnaire was sent to all responsible authorities and stakeholders asking if they would like to propose any amendments to the forthcoming revision of the Statement of Gambling Principles. The responses from this questionnaire formed the draft policy which was subject to a 12 week consultation.

The 12 week public consultation took place between 30 April 2012 and 23 July 2012. A letter was sent to all gambling premises and residents associations which specified the website address of an online consultation. The letter advised that paper copies of the consultation were available if required. The online consultation address was also emailed to all responsible authorities, Councillors and Stakeholders. A copy of the draft Statement of Gambling Principles was included on the website for consultees to refer as they made their response (Appendix C).

A proposed draft pool of conditions was also sent to all responsible authorities, residents associations and Councillors separately to the Policy, on 2 July 2012.

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)).

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
- Other relevant people who could be affected by this policy

2.2.2 Proposed amendments to the policy

As a result of the public consultation the proposed amendment to the policy were as follows:

2.2.3 No Casino resolution

To continue the Council's 'No Casino' resolution. In the past concerns have been raised about the potential inequality between the three competing town centres in the borough if one area were granted a Casino licence and the others were not. No comments were received during the consultation period supporting the removal of this resolution.

2.2.4 Pool of Conditions

To include a pool of conditions, attached as Appendix B, which could be applied to different types of premises. These conditions would apply to premises such as Adult Gaming Centres, Betting Shops and Family Entertainment Centres.

It is hoped that this change will make it easier for applicants, residents, the licensing committee, and agencies such as the Police to understand and request consistent conditions for each type of premises when making, commenting on or considering applications. The suggested conditions have been added to during the consultation period at the request of the Police (these additional conditions are highlighted in red).

2.2.5 Opening hours for Adult Gaming Centres and Family Entertainment Centres

A condition has been added to the pool of conditions which can limit the opening times of any gambling premises. This condition can be requested by any responsible authority when a new application is made with the relevant time restrictions being inserted. Section 5.7 has also been added to the policy which asks that all premises licence applications specify opening hours within their operating schedule in order that the impact of a premises can be fully considered under the licensing objectives.

2.2.6 Primary Use

To include a new section on 'primary use' of premises to ensure that premises licences are not applied for purely to take advantage of gaming machines entitlements. Section 4 of the draft policy has been amended to include the revised wording.

2.2.7 Statement of principles

To include a statement of principles specifically for Family Entertainment Centres (often referred to as arcades). The Council is unable to attach conditions to these types of permits. A statement of principles would place more responsibility on the owners of the premises and was supported by residents during the consultation period. This statement of principles has been benchmarked against other London Local Authorities and is now included in section 16.3 and 16.4 of the final draft policy.

2.2.8 Relevant representations

To include a section on 'relevant representations', to provide guidance to objectors, and outline what is and is not relevant as a representation helping to ensure that they are valid and can be taken into account. Section 7 (within the final draft policy) which relates to interested parties currently provides information about relevant representations.

It is felt that by re-naming this section 'Relevant representations and interested parties' it will more accurately clarify where this information is located. Additional wording is proposed at section 7.6 which states 'Representations will not be accepted if they do not relate to one or more of the three licensing objectives', to further strengthen the guidance in this section.

2.2.9 Other amendments

It was felt that the wording in certain areas of the policy could be clarified. The following sections have been amended: Section 5.2 and 5.6 in relation to which conditions should be attached to a premises licence and Section 8.1 and 8.2 in relation to the review of a premises licence.

2.3 Responses received during consultation

Responses received during the consultation period between 30 April 2012 and 23 July 2012 are available as background documents along with responses from the Police and Environmental Protection.

In summary:

- The Police response was generally supportive of the proposed amendments to the policy. The Police asked for three additional conditions to be added to the pool of conditions.

- The Council's Environmental Protection team also made supportive comments in relation to the amendments. They asked for additional conditions to control noise and / or nuisance behaviour. Unfortunately as the conditions were not relevant to the licensing objectives they could not be added. This decision has been verified with the Council's legal team.
- Two residents asked that stronger controls should be introduced to control customers who create noise and disturbance outside gambling premises. As nuisance behaviour of this type is not relevant to the gambling objectives this cannot be addressed directly in the policy. However a section has been added into the policy, at point 7.7, which gives contact details for the Council's Environmental Protection service who do have powers to curb this type of activity.
- 13 responses were received from residents or resident associations.
- 61% (8) of residents were in favour of a pool of conditions being added to the policy. 31% (4) did not know or chose not to answer the question. 1 person did not agree with a pool of conditions.
- 77% (10) of local residents were in favour of the Council's 'no casino' resolution. The remaining 3 residents chose not to answer the question.
- The majority of respondents were in favour of each of the changes proposed.

3. RISK MANAGEMENT IMPLICATIONS

- 3.1 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.
- 3.2 Consideration must be given to the three licensing objectives as well as providing the necessary protection to residents, whilst promoting greater choice and flexibility to businesses and their customers.
- 3.3 The review of the Statement of Gambling Principles 2013 will be added to the departmental Risk register to ensure that the risks are managed.

4. CONCLUSION

- 4.1 Careful consideration has been given to the consultation responses and amendments have been made to the revised Statement of Gambling Principles 2013 where it was considered as appropriate.
- 4.2 The key responses have been summarised in section 2.3 of this report. The Revised Statement of Gambling Principles 2013 at Appendix D of this report includes the necessary changes.

4.3 The revised policy has been approved by the Transport, Environment and Residents Services Select Committee on the 10 September 2012 with no comments.

5. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

5.1 The report seeks to adopt the existing Statement of Gambling principles and re-affirm its position with regards to casinos. As such this maintains the status quo and there are no financial implications.

6. COMMENTS OF THE DIRECTOR OF LAW

6.1. The Council has a duty in respect of each three year period to determine its policy with respect to the exercise of its licensing functions and publish a statement of gambling principles by 2 January 2013. The Council is under a duty to undertake a consultation as set out in paragraph 2.2.1 above.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1	Guidance Issued under section 182 of the Licensing Act 2003	Adrian Overton Ext 3081	PPS/ENV
2	Statement of Gambling Policy 2009	Adrian Overton Ext 3081	PPS/ENV
3	12 week consultation letter	Adrian Overton Ext 3081	PPS/ENV
4	Consultation questionnaire	Adrian Overton Ext 3081	PPS/ENV
5	Pool of conditions letter	Adrian Overton Ext 3081	PPS/ENV
6	Proposed Pool of conditions	Adrian Overton Ext 3081	PPS/ENV
7	Police Response	Adrian Overton Ext 3081	PPS/ENV
8	Environmental Protection Response	Adrian Overton Ext 3081	PPS/ENV
9	Consultation Responses	Adrian Overton Ext 3081	PPS/ENV

APPENDICES

- Appendix A Statement of Gambling Principles 2009
- Appendix B Draft Pool of conditions – final version
- Appendix C Statement of Gambling Principles 2013 – consulted version
- Appendix D Statement of Gambling Principles 2013 – final version