



LICENSING COMMITTEE

29 September 2015

Subject Heading:

Approval to consult on the draft of Havering's new Statement of Gambling Policy for the Gambling Act 2005

CMT Lead:

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Policy context:

Review of the current Statement of Gambling Policy having regard to the changes in legislation..

Financial summary:

No significant changes.

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This report seeks authorisation of the Licensing Committee to commence a consultation process on the draft Statement of Gambling Policy. The consultation will run from the 30th September 2015 to 31st October 2015.

RECOMMENDATIONS

The Licensing Committee notes the details of this report and agrees that the draft Statement of Gambling Policy set out in Annexe A be subject to public consultation.

REPORT DETAIL

1.0 Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a Statement of Gambling Policy that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies.

2.0 In exercising their functions under the Gambling Act 2005 Licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- 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
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.0 The current Statement of Gambling Policy has been reviewed and rewritten to include good practice, current guidance and experience from implementing the Act.

4.0 The Council must consult on the draft policy before the final version is approved by full Council. It is proposed that the consultation be aimed at a wider audience including not only all responsible authorities and current licensees and their representative bodies but also members of the public who may comment through the internet. It is proposed that there be a 1 month consultation period starting on the 30th September 2015 and finishing on the 31st October 2015.

5.0 Further, the Council can only publish its Statement of Gambling Policy if it has paid due regard to guidance issued by the Government and Gambling Commission.

6.0 The Licensing Authority must give due weight to the representations of those consulted before finalising the Policy Statement for publication. In determining what weight to give particular representations, the factors to be taken into account include:

- Who is making the representation (what is their expertise or interest)
- What their motivation may be for their views.
- How many other people have expressed the same or similar views.
- How far the representations relate to matters the Licensing Authority should include in its policy
- Reasoned cases.

IMPLICATIONS AND RISKS

Financial implications and risks:

There is a statutory need to have a policy on Gambling, and that policy must adhere to statutory guidance. There is not a lot of flexibility around the policy, and that proposed in this report meets statutory needs. The proposals do not involve the commitment of more resources, or change significantly what we do. They simply bring the policy up to date, and place more onus on the applicant.

Fees for monitoring the Gambling activity are set to recover the cost of that monitoring.

The cost of the consultation itself can be met from within existing budgets.

Legal implications and risks.

Licensing Authorities must have in place a Statement of Policy and which must be reviewed every 3 years. The Statement of Policy must set out the Authority's Policy and principles to be applied in exercising its functions relating to gambling and give effect to the Gambling Act 2005. The Statement of Policy must give effect to the overriding licensing objectives of the Gambling Act 2005. The overriding licensing objectives are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) Ensuring that gambling is conducted in a fair and open way, and
- (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority must have regard to guidance to local authorities published provided by the Gambling Commission and any departure from the guidance should be explained and sustainable.

A draft of the Statement of Policy or a draft of the proposed revision, must be prepared and published for public consultation.

There is a requirement to undertake statutory consultation as set out in section 349 of the Gambling Act 2005, however, wider consultation is advised within the guidance provided by the Gambling Commission.

The public consultation period is recommended to be 12 weeks, being best practice recommended by the Department of Business, Innovation and Skills and set out in the guidance to local authorities by the Gambling Commission.

Responses to the statutory guidance must be given appropriate weight depending upon who is making the representation, relevance to the overriding licensing objectives, number of people expressing the same or similar views and the authorities own principles within its Statement of Policy.

The Statement of Policy, or its revision, cannot come into force unless it is first published on the Authority's website and a hardcopy made available for inspection for a period of 4 weeks before the date it is to come into effect. There must also be

a Notice given in a local newspaper, the Authority's website and other media specified by Regulations, on the first day that the Statement of Policy, or its Revision, is published before it comes into effect.

Human Resources implications and risks:

There are no human resource implications

Equalities implications and risks:

The draft statement of gambling policy will be informed and further refined through consultation. The consultation process should ensure that it seeks views from groups that could be impacted by the policy for example children, young persons and vulnerable members of the community. An equality impact assessment should be undertaken alongside development of the statement and appropriate activity developed where negative impact is identified on any protected characteristic.

BACKGROUND PAPERS

Appendix A Statement of Gambling Policy