



LICENSING COMMITTEE

10 November 2015

Subject Heading:	Approval of Havering's new Statement of Gambling Policy for the Gambling Act 2005
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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	<input checked="" type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

This report seeks approval of the Licensing Committee for the revised Statement of Gambling Policy under the Gambling Act 2005.

RECOMMENDATIONS

The Licensing Committee notes the details of this report and recommends that the revised Statement of Gambling Policy set out in Annexe A be approved and adopted by Full Council.

REPORT DETAIL

1.0 Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Gambling Policy that they propose to apply in exercising their functions under the Act for each successive prescribed three year period. The consultation for this revision of the Statement has been shortened, being one month only, as it will be necessary to review the policy again in 2016 when the legislation changes with regard to risk assessments

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 revised to include good practice, current guidance and experience from implementing the provisions of the 2005 Act.

4.0 Statutory consultation was undertaken between 30th September 2015 and 31st October 2015. The consultation was mainly carried by internet. All the statutory consultees were consulted directly and information about the consultation was disseminated widely using the Licensing Matters email (over 2,700 recipients), Business briefing e mail (over 6000 recipients), in the Romford Recorder and on the Havering website.

The consultation responses have been considered and a final draft of the revised policy has been produced. Consideration of the consultation responses is set out in Annexe B.

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

IMPLICATIONS AND RISKS

Financial implications and risks:

This report seeks approval for the proposed Statement of Gambling Policy. The proposed Statement is an update of the current Statement of Gambling Policy. It has been brought into line with government changes. The Statement makes no changes to how we incur and recover costs. For information the government specify a minimum and maximum fee level. Fee levels continue to be monitored on an on-going basis to ensure full cost recovery.

Legal implications and risks.

A Licensing Authority must have in place, and must review its Statement of Gambling Policy every 3 years and may undertake additional reviews of the whole Statement of Policy or any part of it during each successive 3 year period.

The Statement of Policy must give effect to the 3 licensing principles of the Gambling Act 2015:

Prevention of gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime

Ensure that gambling is conducted in a fair and open way

Protection of children and other vulnerable persons from being harmed or exploited by gambling.

In finalising its Statement of Policy or any revision, the Authority must have due regard to the Guidance published by the Gambling Commission, with appropriate explanations and justifications for any departure from the Gambling Commission Guidance. Part 6 of the Gambling Commission Guidance in respect of Statements of Policy is annexed to this report. The Authority must declare within the Statement of Policy that it has had due regard to the Guidance by the Gambling Commission, the principles of the 2005 Act and any responses from those who were consulted.

The Authority must undertake statutory consultation for every change to the Statement of Policy and comply with best practice recommended by the Gambling Commission within its published Guidance. The consultation must include the prescribed offices and organisations, being the chief police officer for its area, persons representing interests of those carrying on gambling businesses in the area, and representatives of persons whose interests are likely to be affected by the Council exercising its functions under the 2005 Act. The recommended best practice of a wide ranging inclusive consultation is appropriate beyond the statutory requirements.

The Statement of Policy should have as its aim to permit the use of premises for gambling, however, each application must be considered upon its own merits and subject to the 3 gambling act principles.

The form and content of the Statement of Policy is for the Authority to determine, however, it must comply with statutory requirements set out within regulations and include sections within the Policy Statement in respect of designating a competent body to advise the Authority about the protection of children from harm, principles in respect of determining who is an interested party to applications and premises licences, exchange of information with the Gambling Commission and others and the inspection of premises and institution of criminal proceedings.

The Statement of Policy ought to take into consideration local circumstances and reflect local issues in respect of gambling within its area and each authority will have different priorities given its location and demographic and economic make up, being an assessment of its local area profile.

There is a statutory requirement to publish a notice of the intention to publish a Statement of Policy, the date it will come into effect. There must also be details of an Internet address where the publication will be made and a copy available for inspection by members of the public at the Authority's principle address. The Statement of Policy must be published for 4 weeks before it comes into effect and the notice of the publication must not be later than the first date of publication. The notice must be, inter alia, in a local newspaper, or in Libraries in the Authority's area.

The Statement of Policy or a revision of any part of it, or any procedural non-compliance may be challenged by judicial review.

Human Resources implications and risks:

There are no human resource implications.

Equalities implications and risks:

There are no negative impacts against any protected characteristics by the implementation of this policy. The decision to award a licence will be guided by the main aims and principles of the legislation which ultimately seek to protect vulnerable persons.

BACKGROUND PAPERS

Annexe A Statement of Gambling Policy

Annexe B Consultation responses

Annexe C EIA

Annexe D Part 6 Gambling Commission Guidance to licensing authorities. 5th edition.