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**REPORT FOR: CABINET**

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<b>Date of Meeting:</b>	15 November 2018
<b>Subject:</b>	Gambling Policy - Revised Statement of Principles pursuant to the Gambling Act 2005
<b>Key Decision:</b>	No – Full Council decision
<b>Responsible Officer:</b>	Corporate Director, Community
<b>Portfolio Holder:</b>	Councillor Varsha Parmar, Portfolio Holder for Environment
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	No
<b>Wards affected:</b>	All
<b>Enclosures:</b>	Appendix A - Revised Gambling policy (Statement of Principles) Appendix B - Gambling Policy Consultation responses

**Section 1 – Summary and Recommendations**

This report encloses the proposed Statement of Principles pursuant to the Gambling Act 2005. The Statement has been revised since it was last approved by Council in line with statutory guidance.

**Recommendations:**

Cabinet is requested to note the revised Statement of Principles prior to it going to Full Council for approval.

## **Section 2 – Report**

### **2.1 Background and Current Situation**

It is the responsibility of a Local Authority to issue licences for the purpose of gambling establishments. Any application must meet the requirements of the legislation, and the applicant must demonstrate they meet the gambling objectives. Responsible Authorities for the purpose of the Gambling Act are defined in Section 157 of the Act. A Licensing Authority can vary a licence, reject a licence or issue a licence. All these activities should be in line with the Licensing Authority Gambling Policy.

Under Section 349 of the Gambling Act 2005, a licensing authority must prepare a statement of the principles that they propose to apply in exercising their functions under this Act. The current Gambling Policy was published on January 2015 and it is a requirement of the Gambling Act that the Authority reviews it at least before each successive period of three years.

The revised Statement of Principles attached to this report as Appendix A was under consultation from 19<sup>th</sup> June 2018 until 3<sup>rd</sup> August 2018. The responses to that consultation are attached to this report as Appendix B.

The Statement has been updated to reflect the new statutory guidance from the Gambling Commission, being:

- introducing at Section 4 a policy relating to the social responsibility obligations of operators, following greater emphasis on this topic from the Gambling Commission
- setting out at paragraphs 9.6 – 9.8 our compliance and enforcement regime
- setting out in paragraph 18 our approach

Under Section 166 of the Gambling Act, a licensing authority may resolve not to issue Casino Premises Licences. This Authority has previously agreed a “no casino” resolution at the Licensing and General Purposes Committee on 27<sup>th</sup> November 2006, and this has remained consistent with a further resolution being issued on 3<sup>rd</sup> December 2015, which was effective for three years. The last decision can be found on the Council’s website (<http://www.harrow.gov.uk/www2/ieListDocuments.aspx?CId=288&MId=62630>) The revised Statement proposes that this continues as there is no evidence base to show the need for a casino within the borough or the benefits of such an establishment.

Members of the Licensing and General Purposes Committee will form the sub-committees that will hear Licensing Act 2003 and Gambling Act 2003 licence applications. For information, all gambling establishments are aimed to be visited on an annual basis

The Statement of Principles requires approval by Full Council due to being a non-executive function. It is sent to Cabinet for information.

## **2.2 Main Options**

As this policy is for approval as a non-executive function, this report is for information for Cabinet only.

## **2.3 Consultation**

A consultation on the proposed Gambling Policy took place from 19<sup>th</sup> June 2018 and ended on 3<sup>rd</sup> August 2018

The consultation was carried out in accordance with the Guidance issued by the Gambling Commission and section 349 of the Gambling Act 2005. Section 349(3) of the Gambling Act 2005 requires the licensing authority to consult the following on the policy statement or any subsequent revision to it.

- (a) The chief officer of police for the authority's area
- (b) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area and
- (c) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

This Authority consulted with the Chief Officer of Police for the Harrow area, the Gambling Commission, all premises carrying out gambling and/or betting activities in Harrow, and all known residents associations. Furthermore, the consultation and proposed gambling policy were published on the Council's website. In addition to this, the consultation was also advertised in a local newspaper to enable anyone to respond. A list of consultees can be found in appendix B.

Two responses were received to the consultation. The Police raised concerns over the number of gambling establishments, and this is noted. However, the legislation does not currently allow a saturation policy. The other consultation response was fed into the Statement of Principles. Both responses can be found in full in the consultation.

## **2.4 Legal Implications**

Section 349 of the Gambling Act requires a licensing authority to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the Act, and the licensing authority is expected to review it from time to time (and amend it if necessary), ensuring that it is reviewed and published at least before the end of each successive three year period.

As noted earlier in this report, section 349(3) of the Act lists those persons that must be consulted by a licensing authority in relation to a proposed statement of licensing policy.

## **2.5 Equalities Impact**

Under Section 149 of the Equality Act 2010, the Council (as a public authority) has a duty to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act,
- advance equality of opportunity between persons with a protected characteristic and those without
- foster good relations between persons with protected characteristics and those without.

The 'protected characteristics' are age, race, disability, gender reassignment, pregnancy and maternity, region or belief, sex and sexual orientation.

An initial Equalities Impact Assessment (EqIA), carried out in line with the Corporate Equalities Policy, established that there were no adverse impacts on any of the protected groups arising out of the proposed policy and a full (EqIA) was therefore not required.

## **2.6 Financial Implications**

The cost of carrying out the duties under Gambling Act will be met from within the service budget.

## **2.7 Risk Management**

The authority is required to publish a statement of principles (Gambling Policy) at least every three years. Where this is not achieved, the authority could face challenge by persons dissatisfied with decisions made in accordance with the existing policy or for its failure to review and update the statement of principles as required by legislation.

## **Procurement Implications**

There are no procurement implications associated with this Report.

## **Resources Implications**

There are no resource implications associated with this Report.

## **Council Priorities**

The Council's vision:

### **Working Together to Make a Difference for Harrow.**

In addition to ensuring that the Council meets its statutory obligations, this policy will help to achieve the following corporate priorities:

- United and involved communities

- Supporting and protecting people who are most in need
- Supporting our Town Centre, our local shopping centres and businesses.

The policy will also help to ensure that the objectives are upheld:

- preventing gambling from being a source of crime or disorder, being associated with crime and 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

### **Section 3 - Statutory Officer Clearance**

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 11 <sup>th</sup> October 2018		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 11 <sup>th</sup> October 2018		

### **Section 3 - Procurement Officer Clearance**

Name: Nimesh Mehta	<input checked="" type="checkbox"/>	Head of Procurement
Date: 10 <sup>th</sup> October 2018		

<b>Ward Councillors notified:</b>	<b>NO, as it impacts on all Wards</b>
<b>EqIA carried out:</b>	<b>YES.</b>
<b>EqIA cleared by:</b>	David Corby

## **Section 4 - Contact Details and Background Papers**

**Contact:** Richard Le-Brun, Head of Community & Public Protection, (Public Protection) Ext 6267

**Background Papers:** None

**Call-In Waived by the  
Chair of Overview and  
Scrutiny Committee**

**NOT APPLICABLE –  
COUNCIL DECISION**