

Meeting:	Licensing and General Purpose Committee
Date:	18 September 2006
Subject:	Gambling Policy and Casino Resolution Consultation - Information
Responsible Officer:	Gareth Llywelyn-Roberts, Head of Community Safety Services
Contact Officer:	P Sivashankar, Licensing Service Manager, ext 6237
Portfolio Holder:	Councillor Eileen Kinnear
Key Decision:	No
Status:	Part 1

## **Section 1: Summary**

### **Decision Required**

To receive and to note this Report.

### **Reason for report**

To discharge the new statutory duties under the Gambling Act 2005 this Authority is required to produce a Gambling Policy as per the Gaming Commission's guidance. This report brings members attention to the draft Gambling Policy and to the on-line survey on the proposed "no casino" resolution currently in progress by the council.

### **Benefits**

To keep members of L&GP committee informed of forthcoming legislative changes, as the committee established under the Licensing Act 2003 would be the committee hearing all Gambling Licence applications.

### **Cost of Proposals**

The Gambling Act 2005 brings the Betting, Gaming and Lotteries Act 1963, Betting and Gaming Duties Act 1981, Gaming Act 1968, Gaming (Bingo) Act 1985 and Lotteries and Amusements Act 1976, under one piece of legislation.

The Gambling laws are complicated and the industry is expecting a lead role and direct help and assistance from Licensing Authorities during the transitional

arrangements to convert their existing permits and licences with minimal disruption to their businesses.

It is also becoming apparent that there will be very little assistance from the Magistrates Courts and other departments who have been dealing with the existing pieces of legislation regarding electronic data-bases and information regarding existing levels of activity.

One additional temporary member of staff is employed to assist the Service Manager to implement this legislation. It is anticipated that the licence and permits fees would pay part of the cost of staffing and any additional training needs. However, as we are still waiting for the fee levels to be determined by the DCMS, we are unable to predict the level of funding available for this work.

### **Risks**

If the Authority does not produce a Policy and related procedures to the expected timescale there is a risk that we will not be in a position to process applications and may disadvantage some persons who may then have a valid reason for an appeal against the Council.

Due to the wholesale changes to the way the licences and permits are issued and managed, there will be an expectation for active inspection and enforcement responsibility by this Service. This will require additional inspecting staff to be recruited and trained to cover this new area of work. It is likely that such staff will be in very short supply as all local authorities will be looking to employ appropriately trained and qualified staff at the same time. Hence, early resolution regarding budgets and growth would assist this Service in addressing the issue of recruitment and training.

### **Implications if recommendations rejected**

To discharge the new statutory duties under the Gambling Act 2005 this Authority is required to produce a Gambling Policy as per the Gaming Commission's guidance. If the recommendations are rejected the council will not fulfil its statutory obligation and will be subject to challenge.

## **Section 2: Report**

### **2.1 Brief History**

Under Section 349 of the Gambling Act, a licensing authority must prepare a statement of the principles that they propose to apply in exercising their functions under this Act. The draft Policy is now under public consultation and will be reported to this Committee on 27 November 2006 for approval. Under s166 of the Gambling Act, a licensing authority may resolve not to issue Casino Premises Licences. An online survey is being carried out to enlist the views of the residents and businesses in Harrow regarding this resolution. The results of this resolution also will be reported to this committee in November.

## 2.2 Options considered

The options are limited as the process is legislative and is dictated by the Act itself and the Gaming Commission's guidance. We have no discretion in this respect.

The options available regarding the Fee structure will be considered once the fee level has been published.

## 2.3 Consultation

The Gambling Policy consultation and the Online Survey regarding the casino resolution ends on 16 October 2006.

## 2.4 Financial Implications

A full assessment will not be available until the fee structure is announced by the Government. A full assessment of the financial implications will be made to the committee as part of the report on the 18<sup>th</sup> November.

## 2.5 Legal Implications

The legal implications known were reported in the last report to this committee.

## 2.6 Equalities Impact

An Equalities Impact Assessment will be undertaken as part of the process of introduction of the legislation in line with the Corporate Equalities Policy.

## 2.7 Section 17 Crime and Disorder Act.

2.7.1 The key remit of the Gambling Policy will be the manner in which it and the decisions based on the policy address the need for partner agencies to work together to develop and implement strategies to tackle crime and disorder which may be related to the implementation of the Gambling Act and related controls and enforcement. Implementation of the Policy will serve to underpin the delivery of crime reduction strategy priorities and as such directly support section 17 key objectives and the Crime and Disorder Reduction Strategy.

### **Section 3: Supporting Information/ Background Documents**

Gambling Act 2005, available via DCMS web site. Copies can be obtained from the Licensing Section by contacting the Author/Contact Officer of this Report.