

Meeting:	Licensing and General Purpose Committee
Date:	7 September 2009
Subject:	Revised Gambling Policy –for approval
Responsible Officer:	Brendon Hills – Corporate Director - Community & Environment
Portfolio Holder:	Councillor Susan Hall - Environment and Community Safety
Exempt:	No
Enclosures:	Draft revised Gambling Policy and Responses to consultation

Section 1: Summary and Recommendations

This report provides the draft revised Gambling Policy for this Authority and the responses received to the consultation exercise in respect of it.

Recommendations:

The Committee is requested to:

1. Consider the responses received following the consultation exercise on the draft revised Gambling Policy.
2. Consider the draft revised Gambling Policy
3. Refer the Policy to Full Council for approval.

Reason (for recommendation)

To discharge its statutory duties under the Gambling Act 2005 this Authority is required to produce a Gambling Policy and review it at least every three years as per the Gambling Commission's guidance. The current Gambling Policy was published on 11 December 2006 and this report brings members attention to the draft revised Gambling Policy and the consultation on it.

Section 2: Report

2.1 Background & Current Situation

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 current Gambling Policy was published on 11 December 2006 and as noted above, it is a requirement that the Authority reviews it at least every three years.

The draft revised Policy was under consultation from 18 May 2009 to 7 August 2009, and the responses received are attached to this report.

Under s166 of the Gambling Act, a licensing authority may resolve not to issue Casino Premises Licences. This Authority currently has a 'no casino' resolution which is effective for three years, also from 11 December 2006, and the draft Policy contains a statement proposing to continue this.

Members of the L&GP committee will form the sub-committees that will hear Gambling Licence applications and this report keeps them informed of the forthcoming changes.

2.2 Options considered

The options are limited as the process is legislative and is dictated by the Act itself and the Gambling Commission's guidance. We have no discretion as to the making of a statement of policy, although there is some discretion as to the content of the statement.

There are three main areas of change to the revised Policy and these are marked with grey boxed out areas. One area is to provide clarification regarding club formation where a Club gaming permit is to be applied. Another area is to clarify where the operator claims that s/he is providing Skill with prizes machines -how this Authority will determine the suitability of these machines according to premises. And the third is the addition of Small Society Lotteries.

There are options available to the licensing authority regarding the fee structure and the fees are currently set at the maximum allowed levels.

2.3 Consultation

The Gambling Policy consultation took place from 18 May 2009 and ended on 7 August 2009.

The consultation was carried out in accordance with the Guidance issued by the Gambling Commission. 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:

- the chief officer of police for the authority's area;

- 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
- 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 carry out gambling and/or betting activities in Harrow, and Gamcare. The draft policy was published on the Council's website and articles were published advertising the period of consultation in the local newspapers.

By the end of the consultation period the Authority had received only two responses regarding the policy statement. Both responses are attached to this report.

2.4 Cost of Proposals

None

2.5 Legal Implications

As noted above, it is a statutory requirement that the Authority produces a statement of the principles that it proposes to apply in exercising its functions under the Act, and that it reviews it at least every three years.

2.6 Equalities Impact

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

2.7 Community safety - Section 17 Crime and Disorder Act

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.

2.8 Financial Implications

None

2.9 Risk Management Implications

If the Authority does not produce a revised Policy and related procedures within the statutory timescale, there is a risk that the Authority will not be in a position to process applications, leaving the Authority open to challenge by persons wishing to make such applications. Furthermore, the Authority will also have failed to comply with its legal obligations under the Act and Guidance and could face challenge on this too.

Section 3 – Statutory officer clearance

On behalf of the Chief Finance Officer	<input checked="" type="checkbox"/>	Name: Sheela Thakrar
		Date: 25 th August 2009
On behalf of the Monitoring Officer	<input checked="" type="checkbox"/>	Name: Paresh Mehta
		Date: 25 th August 2009

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar, Service Manager, 020 8736 6237

Background Papers:

Harrow Council's draft revised GAMBLING POLICY (attached)

Responses received as part of consultation (attached)