

REPORT FOR: LICENSING AND GENERAL PURPOSES COMMITTEE

Date of Meeting: 19th June 2012

Subject: Review of Gambling Policy (Statement of Principles) – for approval

Responsible Officer: John Edwards, Divisional Director, Community and Environment

Exempt: No

Enclosures: Gambling Policy dated 29th October 2009

Section 1 – Summary and Recommendations

This report provides the draft reviewed Gambling Policy (also known as Statement of Principles) for this Authority and seeks approval of it.

Recommendations:

The Committee is requested to:

1. Consider the draft reviewed Gambling Policy.
2. Refer the Policy to Full Council for approval (with or without appropriate changes).

Section 2 – Report

Background & Current situation

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 29th October 2009 and it is a requirement of the Gambling Act that the Authority reviews it at least before each successive period of three years.

There are no proposed changes to the Harrow's Gambling Policy at this time. Currently the Council has resolved not to issue casino premises licences pursuant to s166 Gambling Act 2005. It is proposed to continue this resolution and if approved the resolution will continue for a further three years from the date of approval.

The Gambling Commission are currently consulting on changes to the "Guidance to Local Authorities" and new guidance is expected by the end of the year. It is anticipated that a further full review of Harrow Council's Gambling Policy will be needed in light of this new guidance once published.

Why a change is needed

As noted above there are currently no proposed changes to the Gambling Policy but in order to discharge its statutory duties under the Gambling Act 2005 Harrow Council, as licensing authority, is required to produce a Gambling Policy and review it at least before each successive period of three years.

The current Gambling Policy was published on 29th October 2009 and therefore the Council is required to review this policy before 28th October 2012.

Consultation

A consultation on the proposed Gambling Policy took place from 12th March 2012 and ended on 31st May 2012.

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 eighty-four residents associations. Furthermore the consultation and proposed gambling policy were published on the Council's website and Consultation portal.

By the end of the consultation period the Authority had received no comments or responses regarding the policy statement.

Main options

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

Thus, the options available are as follows:

1. Recommend the adoption of the proposed Gambling Policy, without any changes, to the Full Council;
2. Propose modifications to the policy taking account of any consultation responses, and recommend the adoption of the modified Gambling Policy to the Full Council.

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 before the end of every three year period.

Financial Implications

There are no financial implications.

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.

Risk included on Directorate risk register? No

Separate risk register in place? No

Equalities implications

An equalities impact assessment was carried out at the introduction of the current Gambling Policy. Although an initial equalities impact screening has

been carried out, a full equalities impact assessment has not been carried out at this time as the screening revealed that the proposal would have low impact and therefore a full assessment was not necessary at this time.

Once the Gambling Commission has published its revised Guidance to Local Authorities, it is anticipated that a further full review of Harrow Council's Gambling Policy will be needed. At this time an equalities impact screening will be undertaken to identify if a full equalities impact assessment is required and if so will be carried out as part of the review.

Corporate Priorities

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

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 31 st May 2012		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 1 st June 2012		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar, Licensing Service Manager, extension 6237