

<b>Committee:</b> Overview and Scrutiny	<b>Date:</b> 12 March 2013	<b>Classification:</b> Unrestricted	<b>Report No:</b>	<b>Agenda Item:</b> 7.1
<b>Report of:</b> Head of Paid Services and Corporate Director: Stephen Halsey  <b>Originating officer(s)</b> David Tolley, Head of Consumer and Business Regulations		<b>Title:</b> Gambling Policy 2012 -2017  <b>Wards Affected: All</b>		

## 1. **SUMMARY**

- 1.1 All Local Authorities have to review and adopt a policy every three years which defines how they will administer and exercise their responsibilities under the Gambling Act 2005. The subsequent review will take place every five years, due to recent changes in legislative provisions.
- 1.2 A statutory consultation process has taken place and the comments received have been analysed and incorporated into the policy where necessary.
- 1.3 The policy has also been to the Licensing Committee on the 18<sup>th</sup> December. Any comments made have been included in this report. The policy will finally be agreed by full Council.
- 1.4 The policy is now before Overview and Scrutiny for comment.

## 2. **RECOMMENDATIONS**

The Overview and Scrutiny Committee is recommended to:-

- 2.1 Consider and comment on the proposed Gambling Policy 2012 – 2017.

## 3. **BACKGROUND**

- 3.1 Licensing local authorities in England and Wales have all been required by the Gambling Act 2005 to adopt a gambling policy.
- 3.2 The policy sets out in detail how the licensing authority will discharge its licensing functions under the Gambling Act 2005.

3.3 There are three licensing objectives set out in the Act:

- *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*
- *Ensuring gambling is conducted in a fair and open way*
- *Protecting children and other vulnerable people from being harmed or exploited by gambling.*

#### **4. BODY OF REPORT**

4.1 The Gambling Act 2005 gives local authorities a range of responsibilities relating to gambling. The gambling Policy expresses how the Licensing Authority will exercise its authority.

4.2 This policy covers the following:

- How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
- The main licensing objective for the authority is protecting the vulnerable.
- The Licensing Authority approach to regulation
- The scheme of delegation

4.3 The gambling policy is heavily prescribed by central government and the Gambling Commission. The policy produced has to comply with guidance issued by both of these bodies. The current policy is compatible with this advice and guidance.

4.4 Members should note that some of the major issues and concerns about gambling are not addressed in the policy and in any consultation. For example, gambling addiction is outside the remit of the consultation, as are arguments about the public benefits, or otherwise, of a more liberal gambling regime. The policy is not a strategic document on gambling provision in the Borough but details the process in which applications are dealt with.

4.5 In addition, 'noise nuisance' is not a licensing objective, so the regime will not consider the impact of licensed premises on nearby residents. Any issues relating to noise and nuisance will be dealt with by other Council Service's.

4.6 As a result of the statutory consultation the Licensing Authority received several responses which are detailed in the appendices to the policy.

4.7 If no further amendments or additions come from the programme of Committees that will consider this matter, the Policy will be unchanged. However a further appendix has been added to the policy after consultation with a Key Member,

which details a good practice guide that all applicants are expected to adhere to, this will have the affect of protecting vulnerable groups.

- 4.8 The responsibilities the Council have under the Gambling Act 2005 have not generally been controversial. Approximately 80 licences have been issued, primarily to betting shops and adult amusement arcades. These businesses are nearly all national companies that have conducted their business within legal requirements.
- 4.9 The Cabinet Report, 'Gambling Act 2005- Three year review of Gambling Policy 2012' is in Appendix 1.

## **5. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 5.1 There are no specific financial implications emanating from this report. The report provides an updates on the Council's responsibilities under the Gambling Act 2005 and sets out for consultation the adoption of the revised Gambling Policy. The service will need to ensure that in adoption of the policy it is deliverable within existing budgeted resources.

## **6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

- 6.1 The detailed legal comments are set out in the report to be presented to Cabinet on 13 March 2013. The gambling policy forms part of the budget and policy framework specified in article 4.01 of the Council's Constitution and the Overview and Scrutiny is being consulted as part of the process specified in the budget and policy framework procedure rules.

## **7. ONE TOWER HAMLETS CONSIDERATIONS**

- 7.1 An equalities analysis has been provided with the Cabinet report.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 There are no environmental impacts with regards to this policy.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 There are no risk management issues with the revised policy.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 One of the key licensing objectives is to prevent gambling from being a source of crime and disorder. The policy supports and assists with crime and disorder

reduction by controlling those who are able to offer gambling to members of the public and imposing conditions on relevant premises licences.

**11. EFFICIENCY STATEMENT**

11.1 There are no efficiency issues relating to this report.

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**Local Government Act, 1972 Section 100D (As amended)  
List of “Background Papers” used in the preparation of this report**

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
<b>None</b>	<b>N/A</b>

**12. APPENDICES**

Appendix 1 – Cabinet Report: Gambling Act 2005- Three year review of Gambling Policy 2012

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