

MUNICIPAL YEAR 2012/2013 REPORT NO.

MEETING TITLE AND DATE:

Licensing Committee
10 December 2012

REPORT OF:

Director of Environment

CONTACT OFFICER:

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Agenda – Part:	Item:
Subject: Gambling Consultation 2012	
Wards: All	

1. EXECUTIVE SUMMARY

- 1.1 This report sets out the results of the Gambling Consultation 2012, as advised to the Licensing Committee on 19 October 2012.

2. RECOMMENDATION

- 2.1 To consider the responses to the Council's consultation in respect of 2 licensing proposals and recommend those proposals for adoption by Council.

3. GAMBLING CONSULTATION 2012

- 3.1 Between 19 October 2012 and 28 November 2012 a borough-wide public consultation was conducted in respect of 2 licensing proposals.
- 3.2 A copy of the email circulated to the Licensing Committee on 19 October 2012 is attached as Annex 1.
- 3.3 The 2 licensing proposals are summarised below :
 - 3.3.1 The Council has a statutory duty, following public consultation, to publish its gambling policy under the Gambling Act 2005 every three years. The existing policy was last approved by Council on 27 January 2010. We propose to seek the re-adoption of the existing policy in January 2013.
 - 3.3.2 Council may, every three years, resolve not to issue casino premises licences under the Gambling Act 2005. The 'no casino' resolution was last made by Council on 27 January 2010. We propose to seek a further 'no casino' resolution in January 2013.
- 3.4 Consultation letters/e-mails were sent to 244 recipients, as follows :
 - 3.4.1 Letters were sent to 79 Licensed Premises.
 - 3.4.2 Letters were sent to 96 Residents Associations.
 - 3.4.3 E-mails were sent to 63 Members.
 - 3.4.4 E-mails were sent to 6 Responsible Authorities.
- 3.5 We have received 3 responses to the consultation, which is a 1.2% return. All of the responses were supportive of the 2 licensing proposals.
- 3.6 A table of the responses received is attached as Annex 2.
- 3.7 We have received 3 comments, in respect of the 2 licensing proposals. None of these comments have any policy or legal implications in respect of the 2 licensing proposals.
- 3.8 A list of the comments received, and the notes thereon, is attached as Annex 3.

4. ALTERNATIVE OPTIONS CONSIDERED

Not applicable

5. REASONS FOR RECOMMENDATIONS

- 5.1 A 6-week public consultation was conducted in respect of 2 licensing proposals. These proposals were approved by the Cabinet Member and by the Licensing Committee Chairman in October 2012.
- 5.2 All of the responses that were received were supportive of the 2 licensing proposals. None of the comments that were received have either a policy or legal implication in respect of the proposals.
- 5.3 The 2 licensing proposals are recommended for adoption by Council.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES, AND OTHER DEPARTMENTS

6.1 Financial Implications

Not applicable

6.2 Legal Implications

Not applicable

6.3 Property Implications

Not applicable

7. KEY RISKS

Not applicable

8. EQUALITIES IMPACT IMPLICATIONS

Corporate advice has been sought in regard to equalities and an agreement has been reached that, on this occasion, an equalities impact assessment is not necessary.

9. IMPACT ON COUNCIL PRIORITIES

9.1 Fairness for All

Not applicable

9.2 Growth and Sustainability

Not applicable

9.3 Strong Communities

Not applicable

10. PERFORMANCE MANAGEMENT IMPLICATIONS

Not applicable

11. HEALTH AND SAFETY IMPLICATIONS

Not applicable

12. PUBLIC HEALTH IMPLICATIONS

Not applicable

Background Papers

None

ANNEX 1

<p>From: Mark Galvayne Sent: 19 October 2012 16:44 To: The Licensing Committee Subject: LICENSING COMMITTEE - GAMBLING POLICY & CASINO RESOLUTION</p>

Dear Members of the Licensing Committee

Please be advised as follows :

GAMBLING ACT 2005 - GAMBLING POLICY & CASINO RESOLUTION

Overview

1. The Council has a statutory duty, following public consultation, to publish its gambling policy under the Gambling Act 2005 every three years.
2. The existing policy (attached) was last approved by Council on 27 January 2010.
3. The Council may also, every three years, resolve not to issue casino premises licences under the Gambling Act 2005.
4. On 27 January 2010 Council resolved not to issue casino premises licences under the Gambling Act 2005.
5. Therefore we must conduct a public consultation exercise and approve a new gambling policy by the end of January 2013.

Existing Policy & Resolution

6. Since January 2010 we have received 372 gambling licence applications. However only 12 of these applications (3%) were applications for new licences or for variation of existing licences which *could* have been subject to objections and *could* have been referred to the Licensing Sub-Committee. In the event none of these applications received objections and none were referred to a Sub-Committee hearing.
7. Since January 2010 we have not received any applications (from our partner agencies or from local residents or businesses) to review any gambling licences in Enfield.
8. Since January 2010 we have not received any applications for casino licences in Enfield.
9. In light of the above, we are heartened that our partner agencies (as well as local residents and businesses) are generally satisfied with the existing gambling policy.

Cumulative Impact Policy

10. In 2007 there were 78 licensed betting shops in the borough. Since 2007 an additional 9 betting shops have been licensed, but in the same period 12 betting shops have closed. Therefore, currently, there are 75 licensed betting shops in the borough. Of the 12 existing licences that have been surrendered 3 were in Green Lanes, Fore Street or Hertford Road but of the 9 new licences that have been granted 7 are in Green Lanes, Fore Street or Hertford Road.
11. However, the Gambling Act 2005 prohibits the Council from adopting any gambling policy to address the cumulative impact of betting shops 'clustering' together.
12. Paragraph 7.53 of the statutory Guidance issued by the Gambling Commission provides that, in respect of any given application to the Council for (or in relation to) a Premises Licence, the only representations that are likely to be relevant are those that relate to the guidance, the objectives or the policy. Listed below are examples (from the Guidance) of representations which are not relevant because they do not relate to the guidance, the objectives or the policy:
 - a. That there are already too many gambling premises in the locality.
 - b. That the premises are likely to be a fire risk.
 - c. That the location of the premises is likely to lead to traffic congestion.
 - d. That the premises will cause crowds of people to congregate in one area, which will be noisy and a nuisance.

Proposal

13. In light of the above the Cabinet Member and Chairman have agreed that we will not amend the gambling policy and will commence the required consultation exercise next week in respect of a re-adoption of the existing policy.
14. Further, the Cabinet Member and Chairman have agreed that we will seek a further resolution to prevent casino operators from locating within the borough.

Licensing Committee Meeting

15. A meeting of the Licensing Committee has been provisionally arranged to take place on Monday 10 December 2012 (at 6pm in the Council Chamber) to consider any responses to the consultation exercise.
16. We propose to seek the approval of Full Council, to the final gambling policy and to make 'no casino' resolution, at their meeting on 13 January 2013.

I hope that the above is satisfactory and please be assured that I will keep you informed of any developments.

If you require any further information in the meantime, please don't hesitate to contact me.

Yours sincerely

Mark Galvayne
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Environment Department
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ANNEX 2

Gambling Policy :

	No. of Respondents	
	Tend to agree	Strongly agree
To what extent do you agree or disagree that we should re-adopt the existing gambling policy?	1 (33.3%)	2 (66.6%)

Casino Resolution :

	No. of Respondents	
	Tend to agree	Strongly agree
To what extent do you agree or disagree that we should pass a further resolution to prevent casino operators from locating within the borough?		3 (100%)

ANNEX 3

Comment 1 – I find the number of betting shops now open on our high streets extremely concerning. The concentrations seem to be in the poorer areas, inevitably. I know that Government policy has allowed this to happen and also that our high streets are struggling so new businesses have to be, within reason, welcomed. But these are essentially businesses that simply take money from people - leaving them less to spend in other local shops! The amount of gambling has risen because of Government policy. These shops give a poor message to younger people in my view. I am not against gambling per-se but it is so obviously something that should be very carefully regulated and the number of betting shops is too high now in parts of Enfield..

Comment 2 – I am very concerned about the huge increase in gambling and also debt. Especially among young adults. We don't need a casino on top of having far too many betting shops open all hours.

Comment 3 – As President of the Willow Residents Association I would like to say on behalf of the 2,000 members that we are fully in agreement that the order to prevent casino or any other form of gambling should still be in force. NOT FOR JUST ONE OR THREE YEARS BUT FOR A MUCH LONGER TERM.

Our Note – In 2007 there were 78 licensed betting shops in the borough. Since 2007 an additional 9 betting shops have been licensed, but in the same period 12 betting shops have closed. Therefore, currently, there are 75 licensed betting shops in the borough. Of the 12 existing licences that have been surrendered 3 were in Green Lanes, Fore Street or Hertford Road but of the 9 new licences that have been granted 7 are in Green Lanes, Fore Street or Hertford Road. However, the Gambling Act 2005 prohibits the Council from adopting any gambling policy to address the cumulative impact of betting shops 'clustering' together.