

MUNICIPAL YEAR 2012/2013 REPORT NO. 150

MEETING TITLE AND DATE:
Council 30th January 2013

REPORT OF:
Director - Environment

Contact officer and telephone number:

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Agenda – Part: 1	Item: 12
Subject: Gambling Act 2005 – Enfield's Licensing Policy Wards: All	

Cabinet Member consulted: Cllr. Bond

1. EXECUTIVE SUMMARY

- 1.1 The Council has a statutory duty, following public consultation, to publish its licensing policy Gambling Act 2005 every three years.
- 1.2 The Council may also, every three years, resolve not to issue casino premises licences under the Gambling Act 2005.

2. RECOMMENDATIONS

- 2.1 To approve the Statement of Principles, under the Gambling At 2005, attached as Appendix A.
- 2.2 To resolve not to issue casino premises licences, under the Gambling Act 2005, with immediate effect.

3. BACKGROUND

- 3.1 On 1 September 2007 the Council assumed responsibility (from the Magistrates Court) for licensing gambling premises, under the Gambling Act 2005, within the borough.
- 3.2 The Council, as licensing authority, issues premises licences for amusement arcades, betting shops and bingo halls. In addition the authority issues permits for gaming machines ('fruit' or 'slot' machines) and small charity lotteries.
- 3.3 The Gambling Act 2005 requires that, in making decisions about premises licences, the Council should aim to permit the use of premises for gambling in so far as it thinks it is:
 - In accordance with any relevant Code of Practice issued by the Gambling Commission;
 - In accordance with any relevant Guidance issued by the Gambling Commission;
 - Reasonably consistent with the Licensing Objectives; &
 - In accordance with the Council's Statement of Principles.
- 3.4 The Licensing Objectives are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; &
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.5 The Gambling Act 2005 obliges the Council to review its gambling licensing policy ('Statement of Principles') every three years.
- 3.6 The first edition Statement of Principles was approved by Council on 8 November 2006, to take effect on 3 January 2007.
- 3.7 The current (second edition) Statement of Principles was approved by Council on 26 January 2010, to take effect immediately.
- 3.8 A draft Statement of Principles was duly submitted for public consultation between 19 October 2012 and 28 November 2012.
- 3.9 Three responses were received during the consultation period. All of the respondents were supportive of the draft Statement of Principles.
- 3.10 Given that we were not seeking to amend the existing Statement of Principles, it is not altogether surprising that 3 responses were received to the consultation. We are heartened that this indicates that our partner agencies (as well as local residents and businesses) are generally satisfied with the Council's existing Statement of Principles.

- 3.11 Also, on 26 January 2010 Council resolved not to issue casino premises licences under the Gambling Act 2005. The Council is obliged to pass this resolution every three years. There are no casinos within the borough and, since January 2010, the Council has not received a single enquiry in respect of casino licences.
- 3.12 On 10 December 2012 the Licensing Committee decided to recommend that Council approve the Statement of Principles and to recommend that Council resolve not to issue casino premises licences, under the Gambling Act 2005, with immediate effect.
- 3.13 The Statement of Principles is attached as Annex 1.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. REASONS FOR RECOMMENDATIONS

To meet the Council's statutory responsibilities.

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

6.1 Financial Implications

- 6.1.1 Fees relating to licensing premises under the Gambling Act 2005 are statutorily set. The issue of licences for gambling premises provides an income stream for the Council to support the costs of processing applications.
- 6.1.2 There is currently an income budget of £53K for these licences and it is anticipated that this budget will be achieved. The proposed resolution of not to issue casino premises licences will not have any impact on income as there are no casinos within the borough.

6.2 Legal Implications

This report raises no specific legal implications as:

- 6.2.1 No changes to the existing Statement of Principles are recommended.
- 6.2.2 The Council does have a duty, every 3 years, to consider whether to resolve not to issue casino premises licences, under the Gambling Act 2005; failure to do so means that the 2010 resolution would lapse. However the Licensing Committee considered this & recommended that the council renew the resolution.

7. KEY RISKS

Council approval will ensure the risk of non-compliance with the law is addressed.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The Statement of Principles include Licensing Objectives which are designed to: -

- Prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensure that gambling is conducted in a fair and open way, and
- Protect children and other vulnerable persons from being harmed or exploited by gambling

8.2 Growth and Sustainability

None.

8.3 Strong Communities

None.

9. 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/analysis is not relevant or proportionate for the approval of this Statement of Principles.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

Approving the current Statement of Principles will ensure continuing effective regulation of gambling in Enfield

11. PUBLIC HEALTH IMPLICATIONS

None.

Background Papers

None.