



**Report of: Executive Member for Community Safety**

<b>Council</b>	<b>3 December 2015</b>	<b>Ward(s): All</b>
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## **SUBJECT: Gambling Policy**

### **1. Synopsis**

- 1.1 Under the Gambling Act 2005, the Council is required to publish a gambling policy every three years setting out how it will regulate gambling premises in the borough.
- 1.2 Our current gambling policy expires on 31 January 2016 and we need a published policy in place from 1 February 2016. At this stage, we propose to make no fundamental changes and simply re-adopt the current policy. This is because the statutory guidance governing the scope and content of gambling policies changed significantly in October 2015, and during the next 12 months we intend to take advantage of the new flexibilities contained in the statutory guidance by devising a risk based policy base that reflects local issues.

### **2. Recommendations**

- 2.1 To agree to adopt the Gambling Policy for Islington as attached in Appendix A.
- 2.2 To agree to make a formal decision that the Council will not issue any Casino licenses within the next three years.

### **3. Background**

#### **Gambling Policy**

- 3.1 The proposal to readopt our current policy is as a direct result of the Gambling Commission issuing new guidance to Local Authorities in October 2015 to permit a more flexible approach to developing policies that reflect the needs of local communities.
- 3.2 Under previous editions of the guidance, Local Authorities have been restricted in their ability to consider the impact of saturation of gambling premises, particularly in areas of deprivation. The new

guidance allows us to carry out local assessments and to use this information to develop local area profiles thus providing a real opportunity to consider saturation and establish 'cumulative impact policies'.

3.3 From April 2016, gambling premises operators will be required to assess local risks when they are considering making applications for new premises licences and the local area profiles will be a key source of information on local risk factors.

3.4 In order to meet the statutory time constraints and the need to await the outcome of the further information and research, we have taken a two staged approach:

- a) Conducted a short formal consultation to extend the current Gambling Policy
- b) Started work on preparing a new policy which will include:
  - Identifying measurable risk factors
  - Mapping Local Area Profiles
  - Collating crime and licensed premises data
  - Developing a pool of model conditions
  - Reference to saturation, location and concentration of uses

There will be a consultation on the subsequent revised policy during 2016 and it will come back to Council for adoption later in 2016.

3.5 The consultation to extend the existing Gambling Policy ended on 31 October 2015. There were three responses, all of which provided feedback on the approach to developing local area profiles to formulate our new policy, while one response commented on our current policies on saturation, proximity to sensitive premises and betting shop hours. As the development of local area profiles will encompass these issues, it is proposed that these policy statements are retained for the time being.

The consultation responses are available on request.

#### **Casino Declaration**

3.6 The Gambling Act 2005 enables the Licensing Authority to resolve not to issue premises licences to casino operators, though such decisions lapse after three years. The Council has previously resolved not to issue casino licences in 2006, 2009, and 2012. It is recommended that the Council maintains the 'no casino' resolution.

## **4. Implications**

#### **Financial implications:**

4.1 The cost associated with policy development and consultation will be met from existing budgets.

#### **Legal Implications:**

4.2 Section 349 of the Gambling Act 2005 requires licensing authorities to prepare and publish a gambling policy every three years. The licensing authority may review and alter their statement of policy during the three year timeframe.

The gambling policy must be produced following consultation and where the policy is reviewed and changes proposed, licensing authorities must consult on any revision.

The Gambling Act 2005 requires that any resolution not to issue casino licences must be published in the licensing authority's gambling policy. The policy should state how the authority has taken this decision.

The approval of the gambling policy can only be exercised by full Council.

#### **Environmental Implications**

4.3 An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no impacts on the following :

- Energy use and carbon emissions

Use of natural resources  
Travel and transportation  
Waste and recycling  
Climate change adaptation  
Biodiversity  
Pollution.

#### **Resident Impact Assessment:**

- 4.4 The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was completed on 13 October 2015 and the summary is as follows:

#### Equality impacts

- Equality impacts are neutral

#### Safeguarding risks

- No safeguarding risks identified

#### Potential Human Rights breaches

- No potential breaches identified
- Policy sets out the framework on how the Council will make decisions about licence application
- Each contested application will be determined by Licensing Committee and the application will be determined on its merits

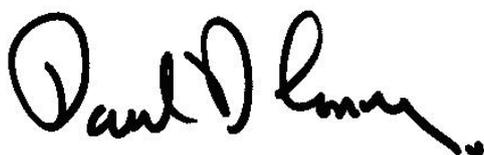
#### Key actions to be taken as a result of this RIA

- No additional action required

### **5. Reasons for the recommendations / decision:**

- 5.1 The proposals allows us to have a published Gambling Policy in place from 1 February 2016 whilst we develop a fundamental change to our policy on licencing premises for gambling in Islington.

**Signed by:**



24.11.15

Executive Member for Community Safety

Date

#### **Appendices**

Appendix A Gambling Policy 2016-2017

#### **Background papers - none**

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