



Report of: **Director of Environment and Regeneration**

Meeting of:	Date	Agenda item	Ward(s)
Licensing Committee	26 Nov 2012		All

Delete as appropriate		Non-exempt
-----------------------	--	------------

## **SUBJECT: Gambling Policy and Licensing Policy**

### **1. Synopsis**

- 1.1 The council is required to review and publish its statement of licensing policy under the Gambling Act 2005 every 5 years. This report highlights the key changes in the draft policy for 2013-16 currently out to consultation.
- 1.2 The Gambling Act 2005 requires council's to make a resolution on its position with regards casinos and to review and affirm its position every 3 years. This report advises that the 'no casino' policy is currently out to consultation
- 1.3 The Licensing Act 2003 requires the council to publish a statement of licensing policy which explains the council's approach to determining applications made under the Act. The policy needs to be kept under review and published every 5 years. Although the current policy does not need to be formally updated for another 3 years feedback from residents, partners and ward councillors indicate that key areas of the current policy need to be strengthened. The proposed changes to the policy, which are subject to consultation, are highlighted in this report.

### **2. Recommendations**

- 2.1 Note the changes proposed in the consultation on the to the Gambling Policy
- 2.2 Note the consultation on the 'no casino' policy
- 2.3 Note the changes proposed in the consultation on the Licensing Act 2003 Licensing Policy

### **3. Background**

#### **Gambling Policy**

- 3.1 Islington regulates over 100 premises used for gambling in the borough, the majority of which are betting shops, gaming machines in pubs and clubs and adult gaming centres.
- 3.2 The purpose of the Gambling Policy is to outline how the council intends to regulate licenced gambling premises over the next 3 years so as to promote the licensing objectives:
- 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
- 3.3 The overriding concern of the council continues to be the impact of the proliferation of gambling premises on local communities in terms of crime, disorder and impact on vulnerable people. Unlike the Licensing Act 2003 the council is not able to establish cumulative impact areas for gambling premises even though there is evidence to suggest that in some areas of the borough saturation point has been reached. Despite this restriction we have addressed this issue by strengthening the section on saturation in the draft policy and including a new section on betting shop hours by way of a response to an emerging issue in other boroughs. The draft policy also contains updated background information, changes to how we will handle personal details of interested parties and a new section on illegal gaming machines.
- 3.4 The draft policy is in appendix 1. The consultation runs from 8 November 2012 to 15 December 2012.

#### **Casino Resolution**

- 3.5 The Gambling Act 2005 allows council's to resolve not to issue premises licences to casinos. This decision, which must be taken by the council rather than the Licensing Committee, lapses after 3 years and all councils are recommended to pass a resolution every three years at the same time as agreeing its statement of gambling policy.
- 3.6 The council resolved not to issue any premises licences to casinos in December 2009 and December 2012. The current consultation on the Gambling Policy is also seeking views on the proposal to renew the 'no casino' policy.

#### **Licensing Policy – Licensing Act 2003**

- 3.7 The Licensing Policy published under the Licensing Act 2003 is intended to inform applicants and residents about the way in which the Licensing Authority will make licensing decisions and how licenced premises are likely to be permitted to operate so as to promote the licensing objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 3.8 The types of activities covered by the policy are the sale of alcohol, live and recorded music, dancing and late night refreshment.
- 3.9 This licensing policy is being reviewed earlier than required by law because of feedback from residents, the police and other partner agencies. There is growing concern that Islington's residents suffer from

high levels of alcohol related ill health and early deaths and alcohol consumption is increasingly identified as a major factor behind violent crime and disorder in the borough with serious consequences to victims, businesses and local communities.

- 3.10 The number of licenced premises in Islington has continued to grow since the introduction of the Licensing Act in 2003 and Islington now has one of the highest densities of pubs, bars, clubs and off licences in the country and third highest in London.
- 3.11 The borough has over 1300 premises licensed to sell alcohol, nearly a third of these are licensed to sell after midnight, with the consequence that parts of the borough have now reached saturation point. There is now a question as to whether the economic benefits of the night time economy are starting to outweigh the costs of excessive alcohol supply and consumption in terms of crime, disorder, nuisance, health impacts and loss of amenity.
- 3.12 The proposed key changes are to:
- designate areas of cumulative impact in Clerkenwell, Bunhill, Kings Cross, Upper Street and Angel, Holloway and Finsbury Park and alcohol sales in the Junction ward of Archway
  - adopt a framework of closing times for businesses applying for new and variation applications as follows:
    - off-licenses - 11pm
    - night clubs - 1am Sunday to Thursday, 2am Friday and Saturday
    - restaurants, cafes and bars -11pm Sunday to Thursday, midnight Friday and Saturday
    - hot food and drink from takeaways - midnight Sunday to Thursday, 1am Friday and Saturday
    - 24 hour sales of alcohol to hotel residents
  - make minor changes to policies designed to promote safe and well managed premises.
- 3.13 The draft policy is in appendix 2. The consultation closes on 9 December 2012.

## **4. Implications**

### **4.1 Financial implications:**

The cost of preparing and publishing the revised policies has been met from existing budget.

### **4.2 Legal Implications:**

Licensing Authorities are required to prepare and publish, every three years, a gambling policy. This policy should contain a statement of principles which the licensing authority will apply when exercising its functions under the Gambling Act 2005. The policy must be produced following consultation and the licensing authority must have regard to any guidance issued by the Gambling Commission. Regulations made by the Secretary of State set out requirements as to the form and publication of the gambling policy.

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

Section 5 Licensing Act 2003 contains the statutory duty for a council to determine its policy in respect

of licensing, to consult specific bodies and groups and to publish its policy every three years. The licensing activities set out in the Licensing Act 2003 are a non-executive function; therefore full Council will need to approve the policy. The Local Authorities (Functions and Responsibilities) Regulations state that the appropriate approving body is full Council.

#### 4.3 **Environmental Implications:**

An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no impacts on energy use and carbon emissions, the use of natural resources, travel and transportation, waste and recycling, climate change adaptation, biodiversity.

#### 4.4 **Equality Impact Assessment:**

The Council is required to have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity in relation to disability, race and gender and the need to take steps to take account of disabilities, even where that involves treating the disabled more favourably than others (section 49A Disability Discrimination Act 1995; section 71 Race Relations Act 1976; section 76A Sex Discrimination Act 1975).

The Equality Impacts Assessment for both the Licensing Policy and the Gambling Policy will be reviewed and updated at the end of the consultation period and reported when the revised policies are reported to council for approval in January 2013.

## 5. **Conclusion and reasons for recommendations**

- 5.1 The council has the statutory duty to publish its statements of Gambling Policy and Licensing Policy and to keep these policies under review. Both policies have been reviewed and updated to reflect current issues of concern and residents, licensees, businesses and partner agency are currently being consulted about proposed changes. The consultations are due to end in December 2012 and the revised policies will be reported to council in January 2013.

### **Appendices**

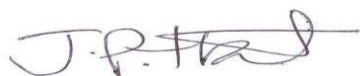
- 1 Draft Licenced Premises Gambling Policy 2013-2016
- 2 Licensing Act 2003- Licensing Policy 2013-2017

### **Background papers:** (available online or on request)

Gambling Policy 2010-2013  
Licensing Policy 2011-2014

Final report clearance:

### **Signed by:**



Service Director – Public Protection

Date 16<sup>th</sup> November 2012

### **Received by:**

Head of Democratic Services

Date

Report Author: Janice Gibbons  
Tel: 020 7527 3212

Email: Janice.gibbons@islington.gov.uk