

Southend-on-Sea Borough Council

Report of Director of Enterprise, Tourism and the Environment

to

Cabinet

on

6th November 2012

Agenda
Item No.

Report prepared by Adam Penn,
Team Leader - Regulatory Services.

Gambling Act 2005 - Statement of Gambling Licensing Policy

Economic and Environmental Scrutiny Committee –
Executive Councillor: Councillor Tony Cox

A Part I Public Agenda Item

1. Purpose of Report

- 1.1 To update Members on the outcome of the formal consultation process in respect of the Gambling Licensing policy.
- 1.2 To set out a proposed statement for the purposes of the Gambling Act 2005. (An approved document must be in place by December, in order to meet the statutory timetable for publication by 14th January 2013).

2. Recommendation

- 2.1 **That Members are asked to agree the final Statement of Gambling Licensing Policy set out in Appendix 2, which will be referred to Full Council for final endorsement.**

3. Background

- 3.1 On 7th April 2012 the Council published a draft statement of Gambling Licensing Policy. In line with best practice, a 12 week formal consultation was carried out, with the request that responses be received by 30th June 2012. The consultation exercise involved the following elements.
 - a) The despatch of a letter to the holders of existing licenses and permits for Adult and Family Entertainment amusement centres the proprietors of all betting shops, bingo halls and casinos. The same notification procedure was operated in respect of the Track Betting licence holder for Roots Hall Football ground, and for a range of trade associations and voluntary groups, legal firms and others with known interests. This gave a brief explanation of the effect of the legislation, and the consultation process, and gave details of the availability of the draft policy document.
 - b) Utilising details held within the departmental records, the same approach was taken for a sample of lottery permit holders and alcohol licensed premises holding gaming machine permits.

- c) A letter was also sent to a range of residents associations and tenants groups.
- d) Letters, explanatory notes and copies of the policy were sent to the head offices of holders of gambling licences, and key charities, interest and support groups.
- e) Letters and a copy of the policy were sent to all of the Responsible Authorities under the Gambling Act, other relevant sections of the Council and members of the Crime and Disorder Reduction Partnerships Executive Group
- f) All Members were emailed a copy of the draft policy together with details of how to comment.
- g) Press coverage was obtained during June, alerting the public to the consultation process, notably articles in the Evening Echo, The Essex Enquirer, The Yellow Advertiser and The Westcliff and Leigh Times were published.
- h) Inclusion of the draft policy document on the Council's website and maintenance of copies at the customer contact centre
- i) Continuing response to enquiries, by Officers of the Licensing Team, in person or by telephone.
- j) In total 373 letters were sent out at the start of the consultation period.

3.2 The full list of consultees is appended to the Policy document

3.3 As a result of the consultation process 2 responses were received. No responses were received from members of the trade or bodies representing them. In addition, 12 requests were received for copies of the draft policy document and there were 124 'hits' on the webpage.

3.4 All responses have been acknowledged, and carefully assessed. The results of that assessment are set out in **Appendix 1** to this report. The proposed changes and additions arising from these procedures are minimal and are set out in the final policy document in **Appendix 2**, and have been highlighted in Red

3.5 Fewer responses to the consultation process have been received than with the Licensing Act, (or indeed than the previous policy consultation in 2009) which perhaps reflects the more specialist nature of the legislation and that the previous policy has worked effectively. The responses received have been constructive in their nature.

3.6 It should be noted that the draft Policy document contains a clause specifically covering the question of casinos. It advises that the Licensing Authority is empowered to pass a resolution not to issue new licences for casinos in its area, but that no such resolution had been made, nor was proposed. Neither respondent expresses specific opposition to additional casino gambling facilities nor was opposition shown in the previous consultation. There are currently 4 Casino's within the Borough. This number has not changed since the Council took over licensing in 2007, although one licence (at the Palace Hotel) was 'dormant' until last year.

3.7 Recent national media coverage has shown concern that the number of high street betting shops is increasing in times of economic hardship, exploiting the

worst off in society. This Borough has not matched that trend recording an increase of only 4 new high street betting shops in the last 5 years, all of which have been in different areas. (1 in each year in 2008, 2009, 2010 and 2011) It should be noted that the Act is specific in stating that 'need' cannot be taken into consideration when determining an application.

4. Other Options

- 4.1 Should the Council fail to approve a final Statement of Policy, it will be in breach of its statutory duty under Section 349 of The Gambling Act 2005.
- 4.2 The deadline for publication of the Policy is 3rd January 2013.
- 4.3 It is not considered that another option exists.

5. Reason for Recommendation

- 5.1 To enable the Council to comply with its statutory duty under Section 349 of The Gambling Act 2005.

6. Corporate Implications

6.1 Contribution to Council's Vision & Corporate Priorities

A statement of licensing policy will be instrumental in the effective assessment of applications, and in helping to ensure proper conduct of approved premises. It is thus supportive of the Council's Vision. Further, the licensing objective of "preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime" is central to the Council's Critical Priority of creating a Safer and Prosperous Southend

6.2 Financial Implications

The annual licence fees form part of the overall budget for the Council; however fee levels do not form part of this policy. The Act requires that fees are set at a level which covers the cost of administering the system without making a profit.

6.3 Legal Implications

Section 349 of the Gambling Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

6.4 People Implications

No people implications

6.5 Property Implications

No property implications

6.6 Consultation

Section 349 of the Gambling Act that all Licensing Authorities consult on a draft policy prior to approving a final policy. The list of persons to be consulted when preparing this Licensing Authority's Statement of Policy was deliberately wide. This enabled the Council to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Licensing Authority Statement of Policy. The list of consultee's is outlined at annex A in the policy. The report was also considered by Economic & Environmental Scrutiny Committee on 20th September 2012 as part of Pre Cabinet Scrutiny. Members of the Scrutiny Committee endorsed the report for submission to Cabinet on 6th November 2012.

6.7 Equalities and Diversity Implications

An equalities analysis had been undertaken and is currently awaiting approval. It has not highlighted any major causes for concern within the policy or the consultation exercise.

6.8 Risk Assessment

The main risk identified is that failure to fully consult on the draft policy, or publish the final policy by 3rd January 2010, would put the Council in breach of its statutory duty under the Act.

6.9 Value for Money

The annual licence fees form part of the overall budget for the Council; however fee levels do not form part of this policy. The Act requires that fees are set at a level which covers the cost of administering the system without making a profit..

6.10 Community Safety Implications

Gambling regulation can play a role in helping to contribute to community safety, for example, by keeping crime out of gambling and protecting vulnerable people and children. Through effective regulation and engaging with gambling operators, the Gambling Commission and other partners, the Council can ensure that the licensing objectives of the Gambling Act are met.

6.11 Environmental Impact

None

7. Background Papers

7.1 Gambling Act 2005.

7.2 Gambling Commission Guidance to Local Authorities, May 2009, 3rd Edition.

8. Appendices

8.1 **Appendix 1:** Review of consultation responses.

8.2 **Appendix 2:** Statement of Gambling Licensing Policy.