

	<b>Licensing Committee</b> <b>19<sup>th</sup> July 2018</b>
<b>Title</b>	<b>Gambling Policy</b>
<b>Report of</b>	Commissioning Director for Environment
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	<b>Appendix 1 – Draft revised Gambling Policy</b> <b>Appendix 2 – Summary of changes</b>
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## Summary

The Gambling Act 2005 places a responsibility on local authorities to publish a gambling statement of principles (policy) every three years. The last policy was published in January 2016. This is a report seeking approval to consult on the proposed revised statement of principles.

## Officers Recommendations

1. That the draft Gambling Statement of Principles be approved for consultation and that the Officers be instructed to report to the November 2018 Licensing Committee meeting on the outcome for recommendation to Council.

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Gambling Act 2005 (the “Act”) places a duty on the Council as the ‘Licensing Authority’ for gambling premises in the Borough. It requires that a licensing authority should aim to permit the use of premises for gambling in so far as it thinks it is:
  - a) in accordance with any relevant code of practice or any guidance from the Gambling Commission;
  - b) reasonably consistent with the licensing objectives; and
  - c) in accordance with its gambling licensing policy.
- 1.2 The Council has a number of important regulatory functions in relation to gambling. These include licensing premises, regulating gaming and gaming machines in clubs, granting permits to what the Guidance refers to as ‘family entertainment centres’ for the use of certain lower stake gaming machines, regulating gaming and gaming machines on alcohol licensed premises, granting permits for prize gaming, and registering small society lotteries.
- 1.3 In accordance with the Act, the Council must prepare, consult on and publish a Statement of Principles which it proposes to apply when exercising relevant functions. In exercising their functions, licensing authorities must have regard to the statutory guidance issued by the Gambling Commission.
- 1.4 The Act also requires that this statement of principles must be reviewed and published at least every 3 years. The policy was last reviewed in January 2016 and therefore it must be reviewed and published before January 2019.
- 1.5 Where there are any proposed changes to the statement of principles, the Council is required under the Act to consult on any revisions.
- 1.6 The proposed policy (Which can be found in Appendix 1) is an update on the previous policy taking into account any changes in guidance and best practice. Appendix 2 is a summary of the changes.
- 1.7 A 12 week consultation will take place in relation to the policy; the results of this will be presented to the Committee at the meeting in November 2018.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The local authority is required, under the Act, to consult prior to publishing a statement of principles or any subsequent revision to the statement of principles, in relation to the exercise of its functions under the Act.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 None - The London Borough of Barnet has a duty to prepare, consult and publish a statement of principles or any proposed changes to the same.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 A 12 week consultation will take place in relation to the policy; the results of this will be presented to the Committee at the meeting in November 2018.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

5.1.1 The Gambling Statement of Principles will support objectives contained within the corporate plan. In particular in relation to a “successful place” and “quality service” by ensuring that only legal, well-regulated gambling is permitted within the borough.

#### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.

5.2.2 In relation to the decisions made as the Licensing Authority there is always a risk of an appeal. However making consistent decisions in line with agreed policies, guidance and procedures minimises this risk.

#### **5.3 Social Value**

5.3.1 Not relevant to this report

#### **5.4 Legal and Constitutional References**

5.4.1 Under the Gambling Act 2005 there are three statutory objectives to be met through licensing:

- (1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (2) Ensuring that gambling is conducted in a fair and open way; and

(3) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

A good policy ensures that these objectives are promoted by the London Borough of Barnet.

- 5.4.2 The Act requires the Council to prepare a statement of principles that they propose to apply in exercising their functions under the Act before each successive period of 3 years and to publish the statement.
- 5.4.3 Where there are any proposed changes to the statement of principles, the Council is required under the Act to consult on any revisions.
- 5.4.4 Article 7 – Committees, Forums, Working Groups and Partnerships, of the Council’s Constitution states that the Licensing Committee is responsible for, “*all policy matters relating to licensing with licensing hearings concerning all licensing matters delegated to sub-committees.*”

## **5.5 Risk Management**

- 5.5.1 It is prudent to monitor performance to ensure that the Gambling Licensing function is delivered efficiently and effectively.
- 5.5.2 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to gambling. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised. However it must balance this with the need to uphold the licensing objectives.

## **5.6 Equalities and Diversity**

- 5.6.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.
- 5.6.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority’s policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

## **5.7 Corporate Parenting**

- 5.7.1 There will be no impact on looked after children and care leavers.

## **5.8 Consultation and Engagement**

- 5.8.1 The consultation document will be sent to the Police, trade associations for gambling businesses, and residents groups. It will also be sent to councillors, responsible authorities, gambling businesses in the borough, faith groups, voluntary organisations, community organisations working with children and young people and organisations working with problem gambling. The consultation will also be published on the Council's consultation portal on the Barnet online website.
- 5.8.2 If approved by the Committee, the Statement of Principles will be submitted for consultation with all relevant stakeholders for a period of 12 weeks. All replies will be taken into account and the Statement of Principles, revised as necessary, will be submitted to this Committee for final approval at its meeting in November 2018. The Committee will then be asked to recommend that the Statement of Principles be adopted at the next meeting of the full Council (18<sup>th</sup> December 2018).

## **5.9 Insight**

- 5.9.1 Not relevant to this report

## **6 BACKGROUND PAPERS**

- 6.4 None

**Appendix 1 – Draft Gambling Policy**

**Appendix 2 – Summary of key changes**