

	<h2>Licensing Committee</h2> <h3>12<sup>th</sup> November 2018</h3>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Gambling Policy</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Commissioning Director for Environment</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>No</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Appendix 1 – Draft Statement of Principles Appendix 2 – Summary of responses</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Emma Phasey Group Manager Community Protection (Regulation) <a href="mailto:Emma.phasey@barnet.gov.uk">Emma.phasey@barnet.gov.uk</a></p>

<h3>Summary</h3>
<p>The Gambling Act 2005 places a responsibility on local authorities to publish a statement of principles in respect of how it will licence gambling premises every three years. The London Borough of Barnet’s policy is due for renewal and this report attaches a revised statement of principles</p>

<h3>Officers Recommendations</h3>
<ol style="list-style-type: none"> <li>1. That the draft Gambling Statement of Principles (appendix 1) be approved by the Committee.</li> <li>2. That the Committee recommend that this Statement of Principles be adopted at the next meeting of the full Council (18th December 2018).</li> </ol>

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

- 1.1 The Gambling Act 2005 (hereinafter referred to as “the Act”) places a duty on London Borough of Barnet to act 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 London Borough of Barnet 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 London Borough of Barnet must prepare, consult on and publish a statement of principles which it proposes to apply when exercising relevant functions under the Act. In exercising their functions, licensing authorities must have regard to the statutory guidance issued by the Gambling Commission.
- 1.4 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.
- 1.5 Pursuant to s.166 of the Gambling Act 2005, the London Borough of Barnet resolved not to issue casino premises licenses. This resolution has remained in place since 2006. There is no current desire for this resolution to be revoked. The proposed statement of principles therefore leaves the resolution undisturbed.
- 1.6 A consultation on the proposed statement of principles ran from 1<sup>st</sup> September 2018 until 3<sup>rd</sup> November 2018. Information on how the consultation has been carried out can be found in section 5.8 of this Report.
- 1.7 There were two responses received to the consultation. They can be found in appendix 2 of this Report.
- 1.8 Following consideration of the responses in appendix 2 it is recommended that the Licensing Committee adopt the proposed Statement of Principles at appendix 1.

## **2 REASONS FOR RECOMMENDATIONS**

- 2.1 The local authority is required by the Act, to review its statement of principles every 3 years. The current policy runs until 13<sup>th</sup> January 2019. The draft policy is updated in line with current guidance. All responses to the consultation have been considered as part of the consultation process.

## **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. A failure to do so could leave London Borough of Barnet susceptible to a challenge over the enforceability of the statement of principles or its failure to comply with statutory requirements.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The Committee are being asked to recommend that the Statement of Principles be adopted at the next meeting of the full Council (18th December 2018) to come into effect on 13<sup>th</sup> January 2019.

## **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.

5.2.3 The recommendations within this report have no financial implications as this will be delivered within existing resources

### **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 statement of principles ensures that these objectives are promoted by the London Borough of Barnet.

5.4.2 The Act requires London Borough of Barnet 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, London Borough of Barnet is required under the Act to consult on any revisions.

5.4.4 Article 7 – Committees, Forums, Working Groups and Partnerships, of London Borough of Barnet’s Constitution states that the Licensing Committee is responsible for, “*all policy matters relating to licensing with licencing hearings concerning all licencing 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 London Borough of Barnet 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 was sent to the Police, trade associations for gambling businesses, and residents groups. It was also 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 was also published on London Borough of Barnet's online website so anyone interested could submit a reply.

5.8.2 All replies have been taken into account.

## **5.9 Insight**

5.9.1 Not relevant to this report

## **6 BACKGROUND PAPERS**

6.4 None